



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(257) CRR-2950-2018 (O & M)
Date of decision:27.08.2024

Jahid Petitioner

V/s

Chand Mohd. ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Yogeshwar Dayal Kaushik, Advocate,
with Ms. Jony Bansal, Advocate, for the petitioner.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for setting aside the order dated 17.04.2018 passed by the Additional Sessions Judge, Faridabad whereby while upholding the judgment of conviction passed by the Judicial Magistrate Ist Class, Faridabad, dated 30.03.2016, the accused have been ordered to be released on probation.

2. The brief facts of the case are that the respondent-Chand Mohd. Sonof Mohd. Sadiki was convicted in FIR No.662 dated 16.12.2010 under Sections 323, 452, 506 and 34 IPC, Police Station Sector 7, Faridabad and sentenced as under:-

Name of accused	Offence	Rigorous imprisonment
Chand Mohd.	323 IPC	To undergo simple imprisonment for six months and to pay fine of Rs.500/- and in default of the payment of fine, to undergo simple imprisonment for 10 days.
	452 IPC	To undergo rigorous imprisonment for one year and to pay fine of Rs.500/- and in default of the payment of fine, to undergo simple imprisonment for 10 days.



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3. In an appeal filed by the aforementioned accused, vide judgment dated 17.04.2018, the Additional Sessions Judge, Fardiabad, upheld the conviction but released him on probation for a period of one year on furnishing requisite probation bonds in the sum of Rs.50,000/- with one surety in the like amount with an undertaking to maintain peace and good behaviour for a period of the next one year and to receive sentence as and when called upon during the said period of one year in case he violated any of the conditions of probation.

4. Against the aforementioned judgment, the complainant/injured-Jahid has preferred the present revision petition (CRR-2950-2018) challenging the granting of probation to the respondent and seeking enhancement of sentence including sentence of imprisonment to be awarded.

5. The learned counsel for the petitioner contends that the Additional Sessions Judge, Faridabad has wrongly released the respondent-Chand Mohd. on probation despite the fact that he alongwith two unknown persons assaulted the complainant and caused injuries. Further, no compensation has been awarded to the complainant on account of injuries suffered by him. Therefore, his sentence ought to be enhanced from the grant of probation to the awarding of sentence of imprisonment.

6. I have heard the learned counsel for the petitioner at length.

7. This Court in **Rajinder Singh Versus State of Haryana & others passed in CRM-M-249-2013 dated 27.08.2018**, held as under:-

“The judgment of the learned Additional Sessions Judge, Kaithal is dated 27.10.2012, thus, respondent No.2 and 3 have already undergone sentence of probation imposed upon them and, therefore, no reason arises for me to go into the legality or propriety of the impugned judgment.



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The present petition stands disposed of as having been rendered infructuous.”

8. In the present case, the judgment of the learned Additional Sessions Judge, Faridabad is dated 17.04.2018 and therefore, the respondent-Chand Mohd. has already undergone the sentence of probation imposed upon him. Therefore, there is no requirement for this Court to go into the legality or propriety of the impugned judgment.

9. In view of the above, the present petition is disposed of

(JASJIT SINGH BEDI)
JUDGE

August 27, 2024
sukhpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No