



marriage, the accused/respondent No.1 used to come to her under the influence of liquor. She lodged her protest to the accused/respondent No.1 and his parents, but they maltreated and beaten her and out of the wedlock, one female child was born. Thereafter, so many times, accused/respondent No.1 after consuming liquor, beaten the complainant on account of demand of dowry and whenever, the complainant protested, accused/respondent No.1 promised not to consume liquor and keep the complainant with love and affection and in this manner, the matter was compromised so many times but accused/respondent No.1 did not mend his ways. All these facts and circumstances led the complainant to report the matter to the Police. Resultantly, the present case was registered and investigation was initiated. During investigation spot of crime was inspected, statement of witnesses were recorded and accused were arrested. During investigation, offence under Section 406 of the Code was added in the case. On completion of investigation, final report u/S 173 Cr.P.C. was presented against accused.

3. On assessing all the material available on the record, the learned trial Court convicted the respondent-accused vide judgment dated 06.11.2017 and sentenced them for commission of offences under Section 323 of IPC vide order of sentence dated 07.11.2017. Aggrieved by the same, the respondent No.1-accused preferred an appeal before the learned lower Appellate Court, wherein the judgment of conviction was upheld but the order of sentence was modified to extend the concession of probation to the respondent No.1-accused vide judgment dated 21.04.2018.

4. Learned counsel for the petitioner contends that the learned Court below fell into error by modifying the sentence of the respondent to one year of probation as the same is based on untenable grounds. The charges against the



respondent-accused stand duly proven by all the prosecution witnesses and as such, the learned Court below ought not to have granted the benefit of probation to them. Further, the learned Court below had awarded Rs.10,000/- as compensation payable to the petitioner and her husband, which is on the lower side and deserves enhancement in view of the injuries sustained.

5. Learned State counsel submits that lower Appellate Court has passed a well reasoned judgment after considering all the material placed on record.

6. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that the respondent-accused has maintained good conduct and does not have criminal antecedents. The theory of reformation and rehabilitation aims at separating the criminal from the crime and compels us to look beyond the one fateful act committed by him. In a civilised society like ours, it would be truly unfortunate if an offender is not given the opportunity to realise and fully fathom his mistake and channel that awareness into making fruitful contributions in society. A Co-ordinate bench of this Court in ***Nasri v. State of Haryana 2023(2) Law Herald 2203***, speaking through Justice Arun Monga, made the following observations:

*“11.2. Objectives and principles of criminal law as envisioned in the provision *ibid*, apart from deterrence against committing crime against society, are inter-alia focused on the reformation of offenders, which inheres the concept of probation. Modern criminal justice system often aims to balance punishment with rehabilitation, emphasizing the potential for positive change in individuals who have committed crime. The goal of criminal law extends beyond mere punishment. While punishment serves to deter and hold individuals accountable for their actions, there is a growing recognition of the importance of addressing the underlying factors that contribute to criminal behaviour. This perspective emphasizes the potentials of offenders to reform and reintegrate into society as law-abiding citizens. Probation is one of the mechanisms used to achieve this reformation objective. In certain cases,*



certain offenders may be asked to remain under community supervision rather than being incarcerated. During such probation period, the offender can be put to follow certain conditions, such as regular reporting to a probation officer, participating in counselling or treatment programs and maintaining employment or education. The aim is to provide support, guidance and opportunities for the offender and to address the root causes of their criminal behaviour and develop positive life skills. Close monitoring and guidance provided during probation can help the offender make positive changes in their life and reduce the likelihood of re offending.”

7. In view of the facts and circumstances of the case, this Court finds no perversity or illegality in findings recorded by the learned Courts below which warrants interference. Hence, the instant revision petition stands dismissed.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

July 22, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No