



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(205)

CRR-513-2010 (O & M)
Date of decision:27.02.2025

Om Parkash

..... Petitioner

V/s

Jai Lal and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Parul, Advocate, for the petitioner.

Mr. P.K. Ganga, Advocate,
for respondents No.1 and 2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for setting aside the judgment dated 15.04.2009 passed by the Additional Sessions Judge, Rewari whereby while upholding the judgment of conviction and order of sentence passed by the Judicial Magistrate Ist Class, Rewari dated 02/03.05.2007, the accused-respondents No.1 and 2 have been ordered to be released on probation.

2. The brief facts of the case are that the accused/respondents No.1 and 2, namely, Jal lal son of Murli and Dharambir son of Murli Dhar were convicted in FIR No.134 dated 26.06.1999 under Sections 148/149/323/325 IPC, Police Station Khol and sentenced as under:-



Name accused	of Offence	Rigorous imprisonment
Jai Lal and Dharambir	325 IPC	To undergo RI for one year and to pay fine of Rs.1,000/- each and in default of the payment of fine, to undergo SI for 01 month
	323 IPC	To pay a fine of Rs.500/- each and in default of the payment of fine, to undergo SI for 15 days.
	148 IPC	To undergo RI for 06 months and to pay fine of Rs.500/- each and in default of the payment of fine, to undergo SI for 15 days.

All the sentences were ordered to run concurrently. The Trial Court further directed that out of the total fine amount, Rs.2,000/- was to be paid to the injured-Tripti Devi (wife of the complainant) and Rs.1,000/- was to be paid to the complainant-injured Om Parkash, after the expiry of period of appeal/revision and thereafter, as per the outcome of the said appeal/revision.

3. In an appeal filed by the aforementioned accused-respondents No.1 and 2, vide judgment dated 15.04.2009, the Additional Sessions Judge, Rewari, while modifying the judgment of conviction and order of sentence dated 02/03.05.2007, acquitted them of the charge under Section 325 IPC, upheld their conviction under Section 323/148 IPC read with Section 149 IPC but released them on probation for a period of one year on furnishing requisite probation bonds in the sum of Rs.10,000/- with one surety in the like amount each 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 they violated any of the conditions of probation.



4. Against the aforementioned judgment, the complainant/injured-Om Parkash has preferred the present revision petition (CRR-513-2010) challenging the granting of probation to the accused-respondents 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, Rewari has wrongly released the accused-respondents on probation despite the fact that they alongwith co-accused assaulted the complainant-Om Parkash and his wife-Tripti Devi and caused injuries. Therefore, their sentence ought to be enhanced from the grant of probation to the awarding of sentence of imprisonment.

6. The learned counsel for the accused-respondents, on the other hand, submits that the period of probation granted to the respondents-Jai Lal and Dharambir i.e. one year has already been elapsed. Therefore, the present revision petition is liable to be dismissed.

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

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



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9. In the present case, the judgment of the Additional Sessions Judge, Rewari is dated 15.04.2009 and therefore, the accused-respondents/Jai Lal and Dharambir have already undergone the sentence of probation imposed upon them. Therefore, there is no requirement for this Court to go into the legality or propriety of the impugned judgment.

10. In view of the above, the present petition is disposed of alongwith the pending application, if any.

(JASJIT SINGH BEDI)
JUDGE

February 27, 2025
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No