

CRR-3865-2014
Date of decision: 05.05.2025

...PETITIONER

V/S

...RESPONDENT

Present: Mr. Ravinder Malik, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision is preferred against the judgment dated 21.11.2014 passed by learned Additional Sessions Judge, Rohtak, whereby the judgment of conviction dated 16.08.2013 passed by the learned Judicial Magistrate First Class, Rohtak, has been upheld and order of sentence dated 17.08.2003 has been modified by reducing sentence, in case stemming from FIR No.286 dated 11.10.2008 registered under Sections 498-A/406/34/506 of IPC at Police Station Kalanaur. The petitioner was sentenced by learned Appellate Court as mentioned below:

Offence under Section(s)	Sentence
498-A of IPC	SI for six months .
406 of IPC	SI for six months.

2. In brief, the case of the prosecution is that the complainant got married with the petitioner on 31.01.2005. Out of the wedlock, two children were born. However, after some time of marriage, petitioner and his family



started harassing the complainant and gave beatings on account of demand of dowry. When the complainant was unable to fulfill their demand of dowry, she was thrown out of the house. Hence, FIR (*supra*) was registered.

3. After assessing the material available on record, the learned trial Court convicted and sentenced the petitioner vide judgment and order dated 16/17.08.2013. Aggrieved by the same, the petitioner preferred an appeal, before learned lower Appellate Court, whereby, the sentence of petitioner was reduced as mentioned above.

4. Learned counsel for the petitioner contends that the learned Courts below have fell into grave error by convicting the petitioner. He further contends that there are several material contradictions in the testimonies of the prosecution witnesses, which have put dent on the case set up by the prosecution. Further, no specific date, time and place of alleged cruelty and demand of dowry, by the petitioner and his family, has been mentioned. Furthermore, the investigating officer was also not examined, who could be asked in his cross-examination regarding his investigation.

5. *Per contra*, learned State counsel opposes the prayer made by learned counsel for the petitioner and submits that he has been convicted by the learned trial Court based on correct appreciation of the facts and the law, which has also been upheld by learned lower Appellate Court. As such interference by this Court is not warranted.

6. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that petitioner is facing the agony of protracted trial for the last more than 16 years. Since his



conviction, the petitioner has grown into law-abiding citizen and desires to live a peaceful life.

7. Sections 3 and 4 of the Probation of Offenders Act, 1958 empower the courts to release the offenders on probation of good conduct in the cases and circumstances mentioned therein. A two Judge Bench of the Hon'ble Supreme Court in ***Som Dutt and others Vs. State of Himachal Pradesh (2022) 6 SCC 722*** speaking through Justice Bela M. Trivedi, has held as under:-

“6....having regard to the fact there are no criminal antecedents against the appellants, the court is inclined to give them the benefit of releasing them on probation of good conduct. In that view of the matter, while maintaining the conviction and sentence imposed on the appellants, it is directed that the appellants shall be released on probation of good conduct.....”

A two Judge Bench of the Hon'ble Supreme Court in ***Lakhvir Singh Vs. State of Punjab (2021) 2 SCC 763*** speaking through Justice Sanjay Kishan Kaul, has held as under:-

“6. We may notice that the Statement of Objects and Reasons of the said Act explains the rationale for the enactment and its amendments: to give the benefit of release of offenders on probation of good conduct instead of sentencing them to imprisonment. Thus, increasing emphasis on the reformation and rehabilitation of offenders as useful and self-reliant members of society without subjecting them to the deleterious effects of jail life is what is sought to be subserved.”

Further still, a two Judge Bench of the Hon'ble Supreme Court in ***Lakahnlal @ Lakahn Singh vs. State of Madhya Pradesh (2021) 6 SCC 100*** has opined as follows:

“15. We find that the attention of the Court was not drawn to sub Section (10) of Section 360 which provides that Section 360 will not



affect the provisions of 1958 Act or other similar laws for the time being in force for the treatment, training or rehabilitation of youthful offenders. Still further, Section 4 of the 1958 Act has a non obstante clause, giving overriding effect over any other provisions of law.

16. *The conjoint reading of the provisions of both the statutes, we find that the provisions of Section 360 of the Code are in addition to the provisions of the 1958 Act or the Children Act, 1960, or any other law for the time being in force for the treatment, training or rehabilitation of youthful offenders”*

8. The Hon'ble Supreme Court in ***Bishnu Deo Shah Vs. State of West Banal AIR 1979 SC 964*** has laid down that it is obligatory on the part of the Court to deal with a convict under the provisions of Section 360 of the Cr.P.C., if he is not convicted for an offence punishable with death penalty or imprisonment for life and additionally, if he is not a previous convict. The overarching object of the provision contained in Section 4 and 6 of the Act and Section 360 and 361 of Cr.P.C. is to provide an opportunity to the first time offenders to reform and not expose them in association with the hardened and habitual criminal inmates incarcerated in the judicial custody.

9. In view of the facts and circumstances of the case, the instant revision petition is disposed of in the following terms:-

- 1) The judgment dated 21.11.2014 passed by learned Additional Sessions Judge, Rohtak confirming the conviction of the petitioner is upheld.
- 2) The order of sentence dated 17.08.2013 passed by learned Judicial Magistrate Ist Class, Rohtak, is modified to the extent of granting the concession of probation to the petitioner for good conduct.
- 3) The petitioner shall be released on probation for good conduct on furnishing a personal bond of Rs.10,000/- with a



surety for the same amount within four weeks, after furnishing an undertaking to keep the peace and good behaviour for a period of one year to the satisfaction of the concerned trial Court.

4) The petitioner shall remain under the supervision of the concerned Probation Officer during the aforesaid period. If the petitioner fails to comply with the said directions or commit breach of the undertaking rendered by him, he shall be called upon to undergo the sentence imposed upon him by the learned trial Court.

May 05, 2025
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(HARPREET SINGH BRAR)
JUDGE

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