



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

246

CRR-606-2015 (O&M)

Date of decision: 17.11.2025

Gauri Shankar

...Petitioner(s)

VERSUS

State of Punjab and others

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Amit Saini, Advocate for the petitioner(s).

Ms. Savi Nagpal, AAG Punjab.

Mr. Aayush Gupta, Advocate for the respondent(s).

VINOD S. BHARDWAJ, J. (Oral)

CRM-5925-2015

The instant application has been filed for condonation of delay of 640 days in filing the accompanying criminal revision petition.

For the reasons, mentioned the application is allowed. Delay of 640 days in filing the accompanying criminal revision petition is hereby condoned.

Main case:

1. The present criminal revision petition has been filed against the order dated 10.12.2012 passed by Additional Sessions Judge, Ludhiana whereby, despite dismissing the appeal preferred by the respondents-accused persons against the conviction, yet, the benefit of probation had been extended to them.

2. Counsel for the petitioner contends that on 31.05.2016, his statement was recorded to following effect:-



“Learned counsel for the petitioner contends that he will not agitate the grant of probation to the respondent-accused provided a suitable compensation is awarded to the petitioner on account of injury attracting Section 325 of the Indian Penal Code, 1860 caused to Ms. Savita aged about 1-½ years.

Notice of motion for 08.11.2016.

Notice re: condonation of delay as well.”

3. In view of the above, the present case is now being examined solely to the extent of compensation to be awarded, if any.

4. Counsel for the petitioner contends that the benefit of probation has already been extended to respondent(s)-accused persons. He contends that 1- ½ years old daughter of the petitioner had sustained a fracture of the arm as a result of an impact of being thrown against the wall. He thus contends that an adequate compensation be awarded under Section 357 of Cr.P.C.. He places reliance on the order of the Hon’ble Supreme Court passed in the matter of ‘**Manohar Singh Vs. State of Rajasthan and others**’ reported as **2015 (1) RCR (Criminal) 747** wherein a compensation of Rs.50,000/- was awarded for an offence under Section 323 of the Cr.P.C. Reliance is also placed on other case and in such circumstances wherein compensation to the injured had been awarded.

5. Counsel for the respondent(s)-accused contends that he would have no objection, if a reasonable compensation is awarded to the petitioner.

6. Taking into consideration the totality of circumstances and the fact that the injury in question was inflicted on the right arm due to impact of having been thrown, which such injury has been healed completely, I find that the ends of justice would be suitably met in case a compensation of Rs.15,000/- is awarded to the petitioner.



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7. In so far as the reliance on the orders of the Hon'ble Supreme Court are concerned, in the said cases, the convicts had been granted probation by the Hon'ble Supreme Court and it was at that stage of granting the benefit of probation to the accused persons, that the said benefit of higher compensation had already been granted to the victims. In the present case, the probation had already been granted by the Appellate Court and there is no evidence on record to suggest that any exorbitant, medical expenses have been incurred by the petitioner on treatment of his daughter. The child being of the growing age in the year 2005, the injury, apart from being painful for sometime, would have healed completely. The same not being a permanent impairment of any body part or efficiency and the parties belonging to the poor income strata, the imposition of any higher penalty may infact become counterproductive for the other party.

8. Consequently, while affirming the order of probation granted by the Appellate Court, the order is modified to the extent that while invoking power under Section 357(3) of the Cr.P.C., the respondents are directed to give a compensation of Rs.15,000/- within a period of 05 weeks of receipt of a copy of this order. Let the aforesaid amount be deposited with the trial Court and on such deposit, the same be released to the petitioner as per law.

9. ***Disposed of.***

(VINOD S. BHARDWAJ)
JUDGE

17.11.2025

Mangal Singh

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