



**243-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-4922-2016

Date of decision: 27.02.2025

VISHNU RAM THROUGH HIS WIFE

...PETITIONER

V/S

BIMLA DEVI

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nayandeep Rana, Advocate for
Mr. Navdeep Doon, Advocate
for the petitioner.

Mr. Ram Karan Agnihotri, Advocate
for the respondent.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been filed against the impugned judgment dated 20.10.2016 passed by learned Additional Sessions Judge, Bhiwani, whereby judgment of conviction 02.02.2013 passed by learned Judicial Magistrate Ist Class, Karnal has been upheld, however, order of sentence dated 04.02.2013 has been modified by releasing the respondent on probation for six months.

2. The brief facts of the present complaint are that the petitioner/complainant used to work as Head Daroga in the Municipal Committee and he retired on 31.12.2007. The respondent/accused was working in the Municipal Committee, Gharaunda under the supervision of the complainant. The accused/respondent was not performing her duty properly and used to remain absent during her duty hours. The accused/respondent used to do personal work in order to earn more money in addition to her salary. The



complainant/petitioner instructed the accused/respondent many times not to do personal work during duty hours and to concentrate on her duty. Instead of improving her conduct and working, the accused/respondent got provoked. On 06.04.2007, at about 2:00 P.M., the complainant/petitioner was marking the presence of the workers, including accused, working under his supervision. Suddenly, the accused/respondent started abusing the complainant and gave beatings with her shoes. She threatened the complainant that he is no one to ask her to perform her duties. Thereafter, the complainant made a complaint to the Secretary M. C. Gharaunda, where she admitted her guilt and was also suspended by the authorities. On the basis of the statement, FIR (*supra*) was got registered.

3. On assessing all the material available on the record, the learned trial Court convicted and sentenced the respondent/accused vide judgment dated 02.02.2013 and order of sentence dated 04.02.2013 for commission of offence under Section 186/332 IPC. Aggrieved by the same, the respondent preferred an appeal before the learned lower Appellate Court which was partly allowed and the respondent/accused was released on probation for a period of six months with the condition that the convict shall deposit an amount of Rs.5,000/- as compensation to be payable to the petitioner/complainant.

4. Learned counsel for the petitioner contends that the learned lower Appellate Court fell into error by releasing the respondent on probation as the same is based on untenable grounds. The charges against the respondent-accused stand duly proven by all the prosecution witnesses and the learned trial Court has rightly convicted the accused. As such, the learned lower Appellate Court ought not to have granted the benefit of probation to her.

5. *Per contra*, learned counsel for the respondent opposes the prayer



made by the petitioner on the ground that learned lower Appellate Court has passed a well-reasoned order based on proper appreciation of material available 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 her 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 ***Deo Narain Mandal v. State of UP (2004) 7 SCC 257***, a Three Judge Bench of the Hon'ble Supreme Court has opined that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, manner in which, the offence is committed, age of the accused, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient. Further, a two Judge Bench of the Hon'ble Supreme Court in ***Ravada Sasikala v. State of AP AIR 2017 SC 1166***, has reiterated that the imposition of sentence also serves a social purpose as it acts as a deterrent by making the accused realise the damage caused not only to the victim but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner in which the crime was committed and the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.



8. In view of the facts and circumstances of the case, this Court finds no perversity or illegality in findings recorded by the learned lower Appellate Court, which warrant interference. Hence, the instant revision petition stands dismissed.

February 27, 2025
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(HARPREET SINGH BRAR)
JUDGE

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