
(2009) 03 P&H CK 0036
In the Punjab And Haryana At Chandigarh

Shakuntla

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 20-03-2009

Acts Referred:

Penal Code, 1860 (IPC) — Section 323, 325

Citation : (2009) 03 P&H CK 0036

Hon'ble Judges : Rajan Gupta, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajan Gupta, J.—The instant revision petition has been preferred against the judgment of Additional Sessions Judge, Karnal, whereby he upheld the conviction of accused Om Pal and Nathi Ram but he directed them to be released on probation of good conduct.

2. Learned Counsel for the petitioner has submitted that the lower appellate court had erred in releasing the accused Om Pal and Nathi Ram on probation of good conduct as allegations against them were serious in nature. According to the counsel, the accused had assaulted the family of the complainant and inflicted injuries on them. They thus deserve to be suitably sentenced for the offences committed by them.

3. I have heard learned Counsel for the petitioner.

4. It is clear that the accused (respondents No. 2 to 4 herein), were found guilty for having committed offences under Sections 323 and 325 IPC. They were thus sentenced by the trial court to undergo simple imprisonment for six months and a fine of Rs. 500/-, u/s 323 IPC and rigorous imprisonment for two years and a fine of Rs. 500/- each u/s 325 IPC. However on appeal, the lower appellate court while upholding the conviction of the accused, decided to give benefit of probation to the convicts Nathi Ram and Om Pal and directed that they be released on probation of good conduct on furnishing bail bonds in the sum of Rs.

20,000/- with one surety of the like amount for a period of two years. However, conviction and sentence of Puran Singh was maintained as such, who had already been released on probation of good conduct by the trial court.

5. Learned Counsel for the petitioner has been unable to show any ground for setting-aside the order of sentence passed by the lower appellate court. Nothing has come on record to show that the accused Nathi Ram and Om Pal have any previous criminal record. It thus appears that they are first time offenders. Even otherwise it appears that they have faced trial for almost eight years.

6. Under these circumstances, I do not find any ground to interfere with the impugned judgment upholding the conviction and releasing the accused on probation of good conduct.

7. The revision petition is hereby dismissed.