

Gopal Chand vs. Ramesh Kumar and another

**Cr. Appeal No. 139 of 2011
Reserved on: 5.8.2025**

14.8.2025 Present: Mr. Bimal Gupta, Senior Advocate, with Ms. Kusum Chaudhary, Advocate, for the appellant.

Mr. Karan Singh Kanwar, Advocate, for respondent No.1.

Ms. Devyani Sharma, Senior Advocate, with Mr. Basant Pal Thakur, Advocate, for respondent No.2/convict.

Ms Devyani Sharma, learned Senior Counsel, assisted by Mr. Basant Pal Thakur, learned counsel for the convict relied upon the judgment of the Delhi High Court in *Medha Patekar Vs. V.K. Saxena 2025 SCC OnLine Delhi 5089* and submitted that the benefit of the Probation of Offenders Act be granted to the convict.

Mr. Bimal Gupta, learned Senior Counsel, assisted by Ms. Kusum Chaudhary, learned counsel for the appellant/complainant, submitted that the complainant has no objection to releasing the convict on probation, but he should adequately compensate the complainant for his defamation.

It was laid down by the Hon'ble Supreme Court in *MCD v. State of Delhi, (2005) 4 SCC 605*, that the Court has to consider the report of the Probation Officer before releasing a person on probation. Hence, report of the Probation Officer be called for and the matter be listed thereafter.

**(Rakesh Kainthla)
Judge**

14th August 2025
(Chander)