

**IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA**

Cr. Revision No. 495 of 2025

Decided on : 14.10.2025

Anit Kumar & others

...Petitioners

Versus

State of H.P.

...Respondent

Coram

Hon'ble Mr. Justice Virender Singh, Judge

Whether approved for reporting?

For the Petitioners : Mr. Amit Sharma, Advocate.

***For the Respondent : Mr. Tejasvi Sharma, Addl. A.G.
with Mr. Rohit Sharma, Dy.
A.G.***

Virender Singh, Judge (oral)

Petitioners have filed the present Cr. Revision, against the judgment, dated 30.7.2025, passed by the learned Additional Sessions Judge, Palampur, District Kangra, H.P., (hereinafter referred to as 'the Appellate Court), in Criminal Appeal No. 133-P/X/2023/17, titled as 'Anit Kumar & others versus State of H.P.'

2. Vide judgment, dated 30.7.2025, the learned Appellate Court has dismissed the appeal, filed by the petitioners (hereinafter referred to as 'the convicts'), against the judgment of conviction, and order of sentence, dated 31.7.2017, passed by the Court of learned Judicial Magistrate 1st Class, Baijnath, Distt. Kangra, H.P. (hereinafter referred to as 'the trial Court'), in CrI. Case No. 8-II/11 (FIR No. 61/10), titled as, 'State of H.P. versus Anit Kumar & others'.

3. By virtue of judgment of conviction, and order of sentence, dated 31.7.2017, the learned trial Court has convicted the convicts/petitioners, for the commission of offences, punishable under Sections 341, 323, 324 and 506 of the Indian Penal Code (hereinafter referred to as 'IPC') and sentenced them in the following manner:

Sections	Sentence imposed	In default
S. 341 IPC	Simple imprisonment for a period of one month and to pay a fine of Rs. 500/-	Simple imprisonment for seven days
S.323 IPC	Simple imprisonment for a period of two months and to pay a fine of Rs. 1,000/-	Simple imprisonment for fifteen days.
S. 324 IPC	Rigorous imprisonment for a period of one year and to	Simple imprisonment for a period of one month.

S 506 IPC	pay a fine of Rs. 7000/ Simple imprisonment for a period of six months and to pay a fine of Rs. 1000/-	Simple imprisonment for a period of fifteen days.
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4. Vide order, dated 30.8.2025 this Court has ordered to call for the report of the Probation Officer. In sequel thereto, the report of the Probation Officer has been received.

6. Today, statements of the convicts/petitioners have been recorded on oath, in which, they have stated that they do not want to press the present petition, preferred against the judgment of conviction and prayed that they may kindly be released on probation.

7. The report of the Probation Officer perused. The Probation Officer has specifically mentioned that the conduct of the convicts, during past years, in the society, is good and has recommended that the benefit under Probation of Offenders Act be given to them.

8. The offences, for which, the convicts have been convicted, are not punishable with death or

imprisonment for life. The convicts are having the permanent abode in District Kangra, H.P.

9. The convicts have already faced the agony of the trial, including the pendency of the Cr. Revision, for the last about fifteen years.

10. Our Criminal Jurisprudence System is reformatory in nature. With the passage of time, it has been realized that sending the first offender to jail, to undergo substantive sentence, does not produce good results, as, the first offender/convict, sometimes, may come in contact with the hardened criminals.

11. The probation is a kind of non-custodial sentence, by giving an opportunity to the convict to reform himself, while abiding by certain conditions, imposed by the Court, for a certain period. It is a reformatory measure to achieve the object, by giving an opportunity to the convict, to reform himself, instead of directing him to undergo substantive sentence.

12. While, not pressing his Cr. Revision, against the judgment of conviction, the convicts, have prayed that they be released on probation. Rejecting the prayer of the convicts to release them on probation, would amount to punishing his family members, for the offences, committed by the convicts.

13. Considering the nature of the offences, this Court is of the view that it would be expedient to release the convicts on probation of good conduct, instead of directing them to undergo substantive sentence, as imposed by the learned trial Court.

14. Considering all these facts, the Cr. Revision petition of the convicts is dismissed against the judgment of conviction, however, in view of the discussions made above, the order of sentence is ordered to be modified. Instead of directing the convicts to undergo the substantive sentence, they are directed to be released on probation of good conduct, on their furnishing personal bond(s) in the sum of Rs.

50,000/-, each, with one surety, each of the like amount, to the satisfaction of the learned trial Court, to keep peace and be of good behaviour, for a period of two years and to receive the substantive sentence, as and when, called upon to do so, during the period of two years.

15. The convicts are also directed to deposit a sum of ₹5,000/-,each, which shall be in addition to the fine amount, if any, already deposited by them, in this case, with the learned trial Court, within a period of one month from today. The aforesaid amount shall be paid to the complainant, as compensation, by the learned trial Court, after issuing notice to him, in this regard.

16. It is clarified that in case of violation of any of the conditions, so imposed, including the terms and conditions of the requisite bonds, the order of sentence shall revive automatically, without reference to this Court. In that eventuality, the convicts-petitioners are

directed to surrender before the learned trial Court, to undergo the substantive sentence.

17. In view of the above, the Cr. Revision is partly allowed. Pending miscellaneous applications, if any, are also disposed of accordingly.

(Virender Singh)
Judge

October 14, 2025
Kalpana