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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 375 OF 2014
WITH
CRIMINAL APPLICATION NO. 111 OF 2015**

Mahavir Sarimal Jain ... Applicant

Versus

State of Maharashtra ... Respondent

Mr.Arjun Prabhu i/by Satyanarayan for the applicant.

Mr. Rajesh More, A.P.P. for the State.

**CORAM : M.L. TAHALIYANI, J.
DATED : APRIL 23, 2015**

P.C.

Admit. Heard finally.

2. Heard learned counsel for the applicant. Perused the order of the trial court and the appellate court. The applicant has been convicted for the offences punishable under section 332 of the Indian Penal Code and Section 117 read with 110 of the Bombay Police Act. He has been sentenced to suffer RI for six months for the offence punishable under section 332 of the Indian Penal Code.

3. Learned counsel for the applicant does not press any relief as far as merits of the case are concerned. He submits that the applicant is not a habitual offender. It is submitted that the applicant's wife stays at Indore. The applicant does not have any issue as his wife was not able to conceive. It is further submitted that the applicant consumes liquor once in a while due to distressed condition in which he stays alone. He is suffering from HIV-I. In the circumstances, I am inclined to grant relief to the applicant under the Probation of Offenders Act. Hence, I pass the following order. :

- (a) Revision is partly allowed.
- (b) The conviction of the applicant for the offence punishable under section 332 of I.P.C. and Section 117 read with Section 110 of the Bombay Police Act is maintained. The sentence part of the judgment and order of the trial court and the appellate court is set aside.
- (c) The applicant shall be released on execution of his personal bond of Rs.10,000/- before learned Metropolitan Magistrate, 40th Court, Girgaon, Mumbai with following conditions :

- (a) that he will maintain peace and good behaviour for the period of one year from the date of execution of the bond.
- (b) That he shall appear before the trial Magistrate or any other competent court to receive sentence if called upon to

do so. This bond shall be executed by the applicant within the period of fifteen days from the uploading of this order on the net.

(d) Fine, if any paid by the applicant shall be refunded to him.

(e) The Revision application stands disposed of. In view of the disposal of the Revision, Application No. 111 of 2015 does not survive and the same stands disposed of.

(JUDGE)