

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 184 OF 2004

Meera w/o Ravindra Barge,
Age 20 years, Occu. Housewife,
R/o Kharjunmala, Nashik road

.. Applicant

Versus

1. Sitaram s/o Dhondu Mahanor,
Age 41 years, Occu. Agri.,
R/o Palaskheda, Taluka Soygaon,
District Aurangabad

2. Praphulla Pundlik Mahanor,
Age 26 years, Occu. Agri.,
R/o As above

3. Ramkrishna Dhondu Mahanor,
Age 45 years, Occu. Agri.,
R/o As above

4. The State of Maharashtra

.. Respondents

Mr Jagdish Deshpande, Advocate h/f Mr V.N. Damle, Advocate for
applicant

Mr V.D. Salunke, Advocate for respondents no. 1 to 3

Mr N.T. Bhagat, A.P.P. for respondent no. 4

CORAM : N.W. SAMBRE, J.

DATE : 27th October, 2016

ORAL JUDGMENT

1. The present revision is by original complainant at whose behest
Crime No. 98/1999 was registered with Soygaon Police Station for
offences punishable under Sections 323, 452, 504, 506, 509 read with
Section 34 of the Indian Penal Code.

2. The respondents-accused persons faced trial before the Judicial Magistrate, First Class, Soygaon in Regular Criminal Case No. 258/2000 and vide judgment and order dated 30th August 2001 were convicted for offences punishable under Sections 147, 323, 509 read with Sec. 149 of the Indian Penal Code. The respondents-accused were sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.500/-, in default to suffer rigorous imprisonment for one month. The accused no.1 Sitaram was also convicted for an offence punishable under Section 452 of the Indian Penal Code and was directed to suffer rigorous imprisonment for six months and to pay fine of Rs.500/-, in default to suffer rigorous imprisonment for one month. All the accused were acquitted of the offences punishable under Sections 504, 506 read with Section 149 of the Indian Penal Code and Section 135 read with Sec. 37 (1) (3) of the Bombay Police Act. The accused Nos. 2 and 3 Praphulla and Ramkrishna were acquitted of offence punishable under Section 452 of the Indian Penal Code.

3. The accused, feeling aggrieved by the said order preferred appeal being Criminal Appeal No. 42 of 2001 before the learned Sessions Judge, Aurangabad who vide judgment and order dated 25th February 2004 confirmed the conviction of accused No.1 – Sitaram for offences punishable under Sections 452, 147, 323 read with Sec. 149 of the Indian Penal Code, however, acquitted him of offence punishable under Section 509 read with Sec. 149 of the Indian Penal Code and convicted for an offence punishable under Section 355 read with Sec. 149 of the Indian Penal Code. Accused nos. 2 and 3 were

acquitted of the offence punishable under Section 509 read with Sec. 149 of the Indian Penal Code whereas their conviction for offences punishable under Sections 147 and 323 read with Sec. 149 of the Indian Penal Code came to be confirmed.

4. The learned Sessions Judge, instead of sentencing the accused persons at once, ordered their release on each furnishing a bond in the sum of Rs.5,000/- with one surety in the like amount i.e. of probation for a period of three years. Compensation of Rs.2,000/- was ordered to be paid by each of the accused persons to the complainant – Meera. As such present revision.

5. Heard Mr Deshpande, learned Counsel for applicant, Mr V.D. Salunke, learned Counsel for respondents no. 1 to 3 and learned Assistant Public Prosecutor for respondent no. 4.

6. Once the Court below, having exercised the powers vested in it qua the provisions of Probation of Offenders Act, I hardly see any reason to interfere with the findings recorded, though Mr Deshpande has tried to make out the case on merits to that effect. It is required to be noted that the alleged incident in question is of 24th September 1999 when the complainant Meera was beaten by the accused Sitaram with a footwear.

7. It is brought to my notice that there are no criminal antecedents against the respondents-accused but for the present crime.

8. Having heard the respective parties at length, in the interest of justice, in my opinion, it will be proper to dispose of the present revision with following modification to the judgment delivered by the learned Sessions Judge, Aurangabad.

9. The accused nos. 1 to 3 each are directed to pay compensation of Rs.15,000/- (Rs. Fifteen thousand) to the complainant - Meera instead of Rs.2,000/- as is ordered in Clause 10 of the judgment and order of the learned Sessions Judge, Aurangabad, within a period of three months from the date of delivery of this judgment.

10. With above observations, Criminal Revision Application is partly allowed and disposed of.

**(N.W. SAMBRE)
JUDGE**

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