

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

CRIMINAL REVISION APPLICATION NO. 175 OF 2003

1. Marorti s/o Sayanna Nalgonde,
Age: 35 years, Occ: Agri.,
2. Venkat s/o Sayanna Nalgonde,
Age: 30 years, Occ: Agri.,
3. Shankar s/o Sayanna Nalgonde,
Age: 23 years, Occ: Agri.,
4. Sayanna s/o Gundappa Nalgonde,
Age: 65 years, Occ: Agri.,

All r/o Rudrapur, Tq. Billoli,
Dist. Nanded.

...Applicants

versus

The State of Maharashtra

...Respondent

.....
Mr. Satej S. Jadhav, Advocate for applicants
Ms. R.P. Gour, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 22nd APRIL, 2016

ORAL ORDER :

Heard learned Counsel for the applicants for some time.

2. Present criminal revision application is by original accused persons. The applicants were convicted by learned Judicial Magistrate, First Class, Biloli, by judgment and order dated 20/01/2000 in Regular Criminal Case No. 36 of 1997 for an offence

punishable under Sections 326 read with Section 34 of the Indian Penal Code and sentenced them to suffer rigorous imprisonment for two years and fine of Rs.500/-each, in default to suffer rigorous imprisonment for 15 days, for the offence punishable under Section 324 read with Section 34 of the Indian Penal Code and sentenced them to suffer rigorous imprisonment for one year and fine of Rs.500/- each, in default to suffer rigorous imprisonment for 15 days, sentences was to run concurrently.

3. Against the aforesaid conviction order, the appeal being Criminal Appeal No. 2 of 2002 preferred by the present applicants is dismissed by learned Additional Sessions Judge, Biloli by its judgment and order dated 08/05/2003.

4. As this Court was not inclined to upset the findings recorded by learned magistrate and learned appellate Court, learned Counsel for the applicants submits that they be granted benefit of Probation of Offenders Act.

5. Having regard to the nature of allegations against the applicants, it will be appropriate, in my opinion, to invoke the provisions of Probation of Offenders Act, in view of law laid down by the Apex Court, in the matter of **State Through Central Bureau of**

Investigation, Anti Corruption Branch, Chandigarh Vs. Sanjiv Bhalla & anr. reported in **(2015) 13 SCC 444.**

6. As such, the applicants are released on probation, upon executing their bond of good behavior with the Probation Officer of their respective place.

7. Criminal Revision Application stands disposed of in above terms.

[N.W. SAMBRE, J.]