

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.496 of 2016

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1. Ravindra Singh S/o Ranjit Singh
2. Madhurendra Kumar Singh alias Madhurendra Singh S/o Ranjit Singh
3. Ravi Ranjan Singh alias Ravi Ranjan Kumar S/o Ram Shankar Singh
4. Pappu Singh S/o Ram Shankar Singh All residents of Mohalla- New Colony, Balughat, P.S- Town Muzaffarpur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash

For the Respondent/s : Mr. Pushpa Sinha 2(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

6 28-02-2017

Heard learned counsel for the parties.

2. Judgment and order, dated 12.02.2016, passed in Sessions Trial No. 78 of 2007, arising out of Town (Muzaffarpur) P. S. Case No. 240 of 1997, is under challenge in the present criminal revision application.

3. The trial Court has held the petitioners guilty of the offence punishable under Sections 147,148,427 and 448 of the Indian Penal Code and has sentenced them to undergo simple imprisonment for six months with fine of Rs. 300/- for the offence punishable under Section 147 of the Indian Penal Code, one year with fine of Rs.500/- each for the offence punishable under Section 148 of the Indian Penal Code, six months with fine of Rs.300/- each for the offence punishable



under Section 427 of the Indian Penal Code and six months with fine of Rs. 1000/- each for the offence punishable under Section 448 of the Indian Penal Code. The sentences were directed to run concurrently.

4. After having sentenced them to imprisonment and fine, the Court below has allowed the petitioners, benefit of Probation of Offenders Act and they have, accordingly, been released on probation of good conduct of two years.

5. Learned counsel appearing on behalf of the petitioners has attempted to assail the impugned judgment and order on several grounds. However, I am of the considered view, upon perusal of the judgment and order that the Court below could not have released the petitioners giving them benefit of Probation of Offenders Act after having sentenced them to imprisonment and fine.

6. Language of Section 3 and Section 4 of the Probation of Offenders Act is clear and lays down that the Court may release a person held guilty of an offence after due admonition, instead of sentencing him. It is not permissible for the Court to apply Probation of Offenders Act after having sentenced a person found guilty of an offence.

7. The impugned order, dated 12.02.2016 is set aside on this ground alone and the matter is remanded back to the Court below for passing an order afresh on the



question of sentence after giving the parties due opportunity of hearing.

8. This application is allowed with the aforesaid observation.

(Chakradhari Sharan Singh, J)

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