

\$~4

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 591/2017

SANJAY MALIK

..... Petitioner

Through: Mr. Thakur Virender Pratap Singh,
Advocate

versus

STATE & ORS

..... Respondents

Through: Ms. Meenakshi Dahiya, APP for State

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

11.09.2017

%

Learned Metropolitan Magistrate, 07, Central District, Tis Hazari Court, Delhi convicted the respondent Nos. 2 and 3 under Section 323/34 IPC and sentenced them to imprisonment of one month with compensation of ₹1000/- each and in default of payment, to undergo simple imprisonment for 7 days.

Respondent Nos. 2 and 3 preferred appeal before the Additional Sessions Judge, Delhi, which has been disposed of vide judgment dated 31st January, 2017. Convictions of the respondent Nos. 2 and 3 have been upheld, however respondent Nos. 2 and 3 have been given benefit of Probation of Offenders Act, 1956 and have been released on probation subject to their furnishing personal bonds to the tune of ₹25,000/- each with one surety each in the like amount each and in the meantime to maintain peace and good behaviour for a period of one year from the date of furnishing of the bond before the Ld. Trial Court. Report of the Probationary

officer was called before extending the benefit of Probation of Offenders Act, 1956 to the respondent no's 2 and 3. The Additional Sessions Judge has noted that respondent No. 2 was aged about 68 years. He was a heart patient and was the only bread earner of the family. Respondent No. 3 is a woman of 59 years of age and suffering from old age ailments. It is noted that respondent Nos. 2 and 3 are husband and wife.

In the above facts and circumstances, learned Additional Sessions Judge has ordered for release of release of respondent Nos. 2 and 3 on probation.

I do not find any irregularity or infirmity in the judgment passed by learned Additional Sessions Judge which is in consonance with the legal position. Keeping in view the offence for which respondent nos. 2 and 3 have been convicted coupled with the fact the age of the respondent nos. 2 and 3, learned Additional Session Judge has committed no error in extending the benefit of Probation of Offenders Act, 1956 to the private respondents. Petition is dismissed with costs of ₹10,000/- to be deposited with Delhi High Court Legal Aid Services, within four weeks.

A.K. PATHAK, J

SEPTEMBER 11, 2017

P