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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.8 OF 2017

The State of Maharashtra	..Applicant
Versus	
Devidas Mirgya Patil and others	..Respondents

Mr. J. P. Yagnik, Advocate for the Applicant.

Ms. Savita M. Yadav, Advocate for Respondent Nos.1 to 5.

**CORAM: B. R. GAVAI &
SARANG V. KOTWAL, JJ.**

DATE: 20th JUNE, 2018

P.C.:-

1] This is an application seeking leave to file appeal for challenging Judgment and Order passed by the learned Additional Sessions Judge, Raigad dated 23/09/2015 thereby allowing the appeal filed by Respondents herein, directing that the Appellants to be released on probation on their entering into a bond of Rs 10,000/- each with one or two sureties in the like amount and to appear and receive the sentence when called upon during a period not exceeding two years and in the meantime Appellants shall keep peace and to be of good behaviour.

2] The learned Trial Judge had passed an order of conviction against the original Accused for the offence punishable under Section

326 read with Section 149 of the Indian Penal Code, sentencing them to suffer rigorous imprisonment for a term of three years.

3] The Respondents/Accused filed an appeal. In appeal, the learned Trial Judge, while upholding the Order of conviction, has found that, benefit of Probation of Offenders Act is required to be given to the Appellants. The learned Judge of the lower Appellate Court has relied on the Judgment of the Apex Court as well as this Court for exercising his discretion to release convicted persons by giving them benefit of the Probation of Offenders Act instead of sentencing them.

4] The view taken by the learned Judge of the lower Appellate Court is in consonance with the law settled by the Apex Court.

5] In that view of the matter, no case is made out for interference. application is rejected.

(SARANG V. KOTWAL, J.)

(B. R. GAVAI, J.)