

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APPR] No. 193 of 2018
IN
Criminal Revision No. 191 of 2012
[Monu @ Ravindrasingh Bhajju @ Haribhajansingh Tuteja Vs. The
State of Maharashtra, Deori PS, Distt. Gondia]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. R. M. Daga, Adv., for the applicant.
Mr. T. A. Mirza, APP for non-applicant.

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CORAM : NITIN W. SAMBRE, J.

DATE : 10th September, 2018

Heard.

For the reasons disclosed in the application, the
application is allowed in terms of its prayer clause.

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Criminal Revision No. 191 of 2012 :

Heard by consent finally.

The applicant was convicted by the learned
Magistrate for an offence punishable under Sections 279,
338 and 304-A, Indian Penal Code, and Section 66/192
(a) of the Motor Vehicles Act, and sentenced to undergo
Rigorous Imprisonment for six months and to pay a fine

of Rs.500/- for the first charge, one year Rigorous Imprisonment and fine of Rs.500/- for the second charge, Rigorous Imprisonment for one year and fine of Rs.500/- for the third charge and payment of fine of Rs.2000/-, in default, Simple Imprisonment for one month for the fourth charge. Against said conviction and sentence, Criminal Appeal No. 2 of 2011 preferred by the applicant came to be dismissed by the learned Additional Sessions Judge, Gondia. Hence this Revision.

Shri Daga, learned counsel for the applicant, would urge that the applicant is entitled for acquittal in view of the fact that necessary ingredients of the charging Sections are not satisfied by the prosecution. He would invite my attention to the relevant observations and the analysis of the evidence on record. He would then urge that the applicant be released on probation, as, according to him, the applicant has suffered this prosecution since 4th September, 2000, i.e., for last eighteen years, and there are no criminal antecedents.

Per contra, learned APP Shri T.A. Mirza does not object to the prayer for ordering release of the applicant on probation.

Considering the circumstances of the case and in particular having regard to the fact that the present applicant has faced this prosecution for last eighteen

years, the punishment which is awarded against the present applicant, the nature of offences and the character of present offender, it would be appropriate to order release of the applicant on probation upon furnishing a Bond of Good Behaviour before the Probation Officer, Gondia. The applicant shall execute the Bond of good behaviour within a period of four weeks from today. Such bond shall be valid for a period of three years and it shall be the duty of the applicant to report to the Probation Officer once in every twelve weeks.

Needless to say that if the conduct of the applicant during the period of probation is found to be detected with any criminal act or activity, the Probation Officer will be at liberty to forward an appropriate default report against the applicant so that the applicant can be taken into custody for taking the punishment to its logical end.

The Revision as such stands disposed of in above terms.

Judge

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