

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY:**  
**NAGPUR BENCH : NAGPUR**  
**Criminal Revision No. 154 of 2018**  
**[Anand Rameshrao Sahu (in jail) Vs. State of Mah., City Kotwali PS, Amravati]**

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

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**Court's or Judge's orders**

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Mr. Anand Deshpande, Adv., for the applicant.  
Mr. N. B. Jawade, APP for non-applicant.

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**CORAM : NITIN W. SAMBRE, J.**

**DATE : 10<sup>th</sup> September, 2018**

The present applicant was convicted by learned Judicial Magistrate First Class, Court No. 12, Amravati, in S.C.C. No. 4595 of 2012, vide judgment and order dated 05th October, 2013, and sentenced to undergo Rigorous Imprisonment for three months and to pay a fine of Rs.1,000/- for commission of an offence punishable under Section 353, Indian Penal Code. However, the applicant was acquitted by learned trial Court of rest of the charges. In appeal, being Criminal Appeal No. 202 of 2013, on 4th August, 2018, the learned Sessions Judge convicted the present applicant for an offence punishable under Section 323, Indian Penal Code, however, acquitted him of offence punishable under Section 353, Indian Penal Code. As such, this Revision against conviction.

The applicant-accused is personally present and

is identified by the counsel. The learned counsel upon instructions from the applicant submits that the applicant has suffered the prosecution for last about six years and the main charge against him for an offence punishable under Section 353, Indian Penal Code, has resulted into acquittal. According him, the applicant already stood acquitted of the offence punishable under Section 353, Indian Penal Code. However, pursuant to provisions of Section 222, Criminal Procedure Code, he is convicted for an offence punishable under Section 323, Indian Penal Code. Thus, the applicant be extended the benefits of Probation of Offenders Act in aforesaid background.

The learned APP submits that this Court in the facts and circumstances of the case may pass an appropriate order.

Examined the case of the applicant in the backdrop of the factual matrix and provisions of Sections 3 and 4 of the Probation of Offenders Act.

Considering the applicant's position who is a skilled labour [driver], the nature of offence which he has committed and his character, a case for extending the benefits of Section 4 of the Probation of Offenders Act is made out. As such, the following order is passed :-

[a] The applicant shall execute before the

Probation Officer a Bond of Good Behaviour for a period of three years with one surety. He shall attend the office of Probation Officer, Amravati, in the last week of November, 2018, thereafter In the last week of January, 2019 and thereafter every last week of June and December, 2019, for a period of three years from today so as to file an Undertaking before the Probation Officer that he is not involved in any other crime.

- [b] Needless to say that if a default on the part of the applicant is noticed, the Probation Officer will be at liberty to forward a Default Report, so that the conviction of the applicant shall be taken to its logical end.

With the above observations, the Revision is disposed of.

**Judge**