

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**CRIMINAL REVISION APPLICATION NO. 129 OF 2022**

1. Shri. Manohar S/o Laxman Rathod,  
Aged about 45 years, Occ.Labour,
2. Sau. Ranjana W/o Manohar Rathod,  
Aged about 40 years, Occu. Labour,  
(Now released on Probation of offender Act  
Sectikon.4 by Appellate Court on bond for two  
years)
3. Shri. Dilip S/o Tarasingh Ade,  
Aged about 28 years, Occu. Labour,

All 1 to 3 above are Residents of Tup-Takali,  
Taluka Digras, Disttt. - Yavatmal

.... **APPLICANTS**

// **VERSUS** //

State of Maharashtra,  
Through P.S.O., Digras,  
District – Yavatmal

.... **RESPONDENT**

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Shri D.M. Dixit, Advocate for applicants  
Shri A.M. Kadukar, A.P.P. for respondent-State.

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**CORAM : SMT. M.S. JAWALKAR, J.**  
**DATE OF RESERVING THE JUDGMENT : 20<sup>th</sup> SEPTEMBER, 2022.**  
**DATE OF PRONOUNCING THE JUDGMENT : 22<sup>nd</sup> SEPTEMBER, 2022.**

**JUDGMENT:**

Heard learned Advocate for the applicants and the learned Assistant Public Prosecutor for the respondent-State.

2. The present revision application is filed against the confirmation of the sentence passed by learned Judicial Magistrate First Class by Sessions Judge, Darwha in Criminal Appeal No. 16/2017. This Court vide order dated 04/07/2022, for the reasons stated in the order, maintained the conviction of the applicants. However, relying on the judgments in *Sita Ram Paswan Vs. State of Bihar* and *State of Maharashtra Vs. Jagmohan singh Kuldeep Singh Anand, and others*, it submitted by Mr. Dixit, learned Counsel for the applicants that the benefit of the provisions of the Probation of Offenders Act can be given to the applicants/accused. It is also submission of the learned Counsel for the applicants before this Court that the applicants are not involved in any other offences of any nature whatsoever and are ready to execute a bond for their good behaviour.

3. Applicant No.1 is aged about 40 years and applicant No.3 is aged about 28 years. Applicant No.2 is already granted

benefit of the Probation of Offenders Act by the Trial Court. Considering their age and the fact that there are no antecedents to the credit of these persons and the quantum of sentence, this Court deems it appropriate to grant benefit under Section 4 of the Probation of Offenders Act. However, before exercising such powers this Court has called for the report of the Probation Officer concerned. Accordingly report of Probation Officer is placed on record. On perusal of report, it appears that there is no incident of any criminal nature on the part of the applicants and they are having good reputation in the society. The applicant No.1 is an agriculturist and applicant No.3 is taking education and both the applicants are hard working and sincere.

4. In view of the report of Probation Officer and facts and circumstances, I am inclined to grant the benefit of Section 4 of the Probation Act, 1958 to the applicants. Considering the nature of the offence and the character of the offender so also report of Probation Officer, the applicant nos. 1 and 3 shall be released on their entering into a bond to the satisfaction of the Sessions Judge, to appear and receive sentence as and when called upon during the period of one year and in the meanwhile keep the

peace and do all good behaviour. Applicant nos. 1 and 3 shall remain under supervision of a Probation Officer, who has filed report, for a period of one year. Bail bonds of the applicants shall stand discharged.

5. The accused shall furnish the bond in the Sessions Court.

6. The revision application is partly allowed and disposed of accordingly.

**[SMT. M.S. JAWALKAR, J.]**

*Jayashree..*