

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO.63 OF 2023

Maroti Sadashiv Mahajan,
Age 28 years, Occu. Labour,
R/o. Virsani, Taluka Himayatnagar,
District Nanded

.. Applicant
(Original Accused)

Versus

The State of Maharashtra
Through Police Station Himayatnagar,
Taluka Himayatnagar, District Nanded

.. Respondent

...

Mr. S. B. Bhapkar holding for Mr. Pravin B. Rakhunde Advocate for
Applicant;

Mr. K. S. Patil, APP for Respondent

...

CORAM : S. G. MEHARE, J.

DATE : 19-06-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant has challenged the order of conviction for the offence punishable under Section 509 of the Indian Penal Code, of the learned Judicial Magistrate First Class, Himayatnagar, District Nanded, in S.C.C.No.86 of 2012, dated 22.03.2021 and confirmed by the learned Additional Sessions Judge, Bhokar, in Criminal Appeal No.9 of 2021, dated 16.12.2022.
3. The learned counsel for the applicant instead of arguing the appeal prayed to extend the benefit under Section 4 of the

Probation of Offenders Act (in short, "the Act") as it was the first offence proved against the accused/applicant.

4. Considering the report of the Probation Officer available on record and the maximum punishment for the offence under Section 509 of the Indian Penal Code, the Court is of the view that instead of setting aside the judgment and order impugned, the conviction would be modified by extending the benefit under Section 4 of the Act. Hence, the following order:-

ORDER

- i) Revision application is partly allowed.
- ii) The accused is convicted for the offence punishable under Section 509 of the Indian Penal Code vide Section 255(2) of the Code of Criminal Procedure; instead of sentencing him at once to the punishment, he be released on his entering into a bond, with one surety of Rs.10,000/- (Rs. Ten Thousand), to appear and receive the sentence for the period of one year when called upon during the above period, and in the meantime to keep the peace and be of good behaviour.
- iii) The applicant shall furnish the bond before the learned Judicial Magistrate First Class, Himayatnagar, District Nanded, within two weeks from today and period of bond would begin to run from the date of executing the bond.

**(S. G. MEHARE)
JUDGE**