

**IN THE COURT OF MS. TWINKLE WADHWA, ADDITIONAL
SESSIONS JUDGE-02(NE), KARKARDOOMA COURTS,
DELHI.**

**SC No. 278/2022
State Vs. Staya Kumar & Another
FIR No. 593/2015
PS Karawal Nagar**

Present: Sh. Abhishek Kumar Pandey, Ld. Addl. PP for the
State.
**Proceedings against accused Satya Kumar already
abated v.o.d. 07.09.2022.**
Convict Raja @ Parikshit in person.
Sh. R.K. Tripathi, Ld. Counsel for convict.

Probation report of convict has been received. Copy
supplied.

Previous conviction report has been received,
according to which, he is not involved in any other case. Copy
supplied.

An application under Section 401 BNSS (Sec. 360 of
Cr. P.C) r/w Sec. 4 of Probation and Offender Act is filed to release
the applicant/convict Prikshit Kumar Sharma @ Raja on probation.

ORDER ON SENTENCE

1. I have already heard arguments of Sh. Abhishek Kr. Pandey,
PP for the State and ld .Counsel for convicts namely Raja @
Parikshit on quantum of sentence.

2. Ld. Counsel for convict submits that the convict is 50 years old man. The convict is living with his wife and two children and both children are unmarried. It is further submitted that he has 3 sisters and five brothers/siblings to take care of. Ld. Counsel for convict further submits that there is no earning member in his family except the convict. The convict is suffering from many old age ailments and only earning Rs.15,000/- to 20,000/- per month. It is prayed that a lenient view may be taken against the convict while awarding the sentence. Further, he is first time offender. Further, Section 323 IPC provides a punishment for a term which may extend to one year, or with fine which may extend to one thousand rupees, hence application for probation may be allowed.

3. Ld. Addl. PP for the State has argued that maximum punishment must be awarded to the convict.

4. A report has been received from Probation Officer, as per which, he is running his own transportation agency and earning around Rs.40,000/- per month each. Probation report further states that the victim is residing in his own house in Delhi. His behaviour is stated to be good.

5. The Probation of Offenders Act, 1958 as well as section 360 Cr.PC, is a reformatory legislation aimed at preventing first-time offenders from being subjected to the harsh environment of prisons. The Act embodies the principle that punishment should not always be retributive but also rehabilitative, especially for young offenders and women and those convicted of not so heinous offences. It

allows Courts to release offenders on probation instead of sentencing them to imprisonment, provided they meet certain criteria. This probationary period is supervised, ensuring that the offender adheres to conditions set by the Court, such as maintaining good behavior, reporting to a Probation Officer, or engaging in community service. The Act seeks to reintegrate such individuals into society without the stigma of incarceration, thus preventing them from becoming habitual criminals.

6. One of the most important aspects of this Act is its emphasis on judicial discretion. Judges are expected to consider the background, age, and circumstances of offender before deciding on punishment. If an offender is below 21 years of age or women has committed a minor, non-heinous offence, the Court is expected to consider probation as the first option. If probation is denied, the Court must record special reasons for imposing imprisonment. The Act also aligns with modern criminal jurisprudence, which recognizes that rehabilitation can be more effective than punitive measures in reducing crime rates. By allowing offenders to remain in society under supervision, it gives them an opportunity to reform while also ensuring that justice is served in a manner that is both fair and constructive.

7. In view of the fact that convict is 50 years old suffering from various ailments and he is first time offender, this Court finds it expedient to release convict Prikshit Kumar Sharma @ Raja on probation of good conduct for a period of 6 months on furnishing of a personal bonds in sum of Rs. 20,000/- with one like surety of

the like amount.

8. If during the said period, convict Prikshit Kumar Sharma @ Raja fails to keep and maintain peace or breach any condition of his probation, he will be called upon to appear before this Court and to receive sentence as per law.

9. Hence, benefit of probation be extended to the convict. Put up for furnishing of probation bonds on **23.03.2026**.

10. Copy of this order be given dasti to convict and the State.

**Announced in open court
today on 16.03.2026**

**(TWINKLE WADHWA)
Additional Sessions Judge-02
(NE): Karkardooma Courts, Delhi.**