

SC No. 220/2022, State Vs. Rajani Singh
FIR no.282/2020, PS Malviya Nagar
u/s 308/289 IPC
11.03.2026

Order on sentence

Present: Sh. Arun Kumar Singh, Ld. Additional PP for the State.
Convict Rajani in person.
Ms. Satya Anantbodhi, Ld. Counsel for convict Rajani along with Adv Ms. Lara Siddiqui, Adv Mr. Marshall Siddiqui and Adv Mr. Sarfraz Ahmed Siddiqui.

1. Convict Rajani was convicted under section 308/289 IPC vide judgment dated 24.01.2026 and the case is now fixed for hearing her on the point of sentence.

2. When the matter came up for hearing on sentence on a previous date, the convict moved an application seeking benefit of probation under the Probation of Offenders Act, 1958. Considering the nature of the offence and the fact that the convict is a female, a probation report was accordingly called from the Probation Officer to know about her social status and social behaviour. A report was also called from the concerned police station regarding any previous criminal antecedents of the convict if any. The report filed by the probation officer as well as the police station does not report anything adverse against her which may disentitle her the benefit of probation.

3. I have heard the learned Additional Public Prosecutor for the State and the learned counsel for the convict. I

have also carefully perused the entire record, including the judgment of conviction and the report of the Probation Officer called for under Section 4(2) of the Probation of Offenders Act, 1958 (hereinafter referred to as “the Act”).

4. Learned Additional PP has submitted that Section 308 IPC relates to an attempt to commit culpable homicide and is a serious offence involving violence. It is further submitted that section 289 IPC relates to negligent conduct with respect to animals. It is further argued that such offences have a direct impact on public order and societal safety and therefore require a deterrent sentence. It is contended that the benefit of probation should not ordinarily be extended in cases involving violent acts and cases like the present one where the victim is also a female.

5. Per contra, learned counsel for the convict has prayed for extending the benefit of Section 4 of the Act. It is submitted that the convict is a first-time offender with no previous criminal antecedents. It is further submitted that the convict is aged about 32 years having one infant child and has faced the trial for approximately 04 years. It is further argued that incarceration at this stage would serve no useful purpose and that the ends of justice would be met by releasing her on probation.

6. As stated above, in compliance with Section 4(2) of the Act, a report was called from the Probation Officer. The report dated 27.02.2026 of convict Rajani reveals that she is aged about 32 years and is a post graduate. She is presently employed with Subhalagan Dinyang Foundation where she earns a monthly

salary of Rs.45,000/-. It is further reported that she is financially independent and contributes substantially toward the maintenance, stability and financial sustenance of her household. She is also running her own non government organisation in Lucknow. She is presently residing with her second legally wedded husband in a stable and harmonious matrimonial relationship. It is reported that convict plays a central and indispensable role in ensuring medical care and over well being of her mother in law. It is also reported that convict is a first time offender with no prior criminal antecedents. She has been taken into custody for a period of 48 days.

7. The report of Probation Officer indicates that her conduct in society is satisfactory, her social background is stable, and there is a strong likelihood of reformation. The Probation Officer has recommended that the convict may be released on probation under appropriate supervision. Considering the report of probation officer, she is entitled for the benefit of probation.

8. The offence under Section 308 IPC is punishable with imprisonment which may extend to three years, or up to seven years where hurt is caused, along with fine. It is not punishable with death or imprisonment for life. Therefore, there is no statutory bar to the applicability of Section 4 of the Act.

9. Section 4(1) of the Probation of Offenders Act empowers the Court, having regard to the circumstances of the case including the nature of the offence and the character of the offender, to release a person found guilty of an offence not

punishable with death or imprisonment for life, on probation of good conduct instead of sentencing him at once to any punishment.

10. Section 4(2) mandates consideration of the Probation Officer's report before passing such order. Section 4(3) provides for execution of bond with or without sureties. Section 5 empowers the Court to direct payment of compensation and costs.

11. The Hon'ble Supreme Court in *Rattan Lal v. State of Punjab*, AIR 1965 SC 444, observed that the Probation of Offenders Act is a reformatory statute and should be liberally construed to achieve its object of rehabilitating offenders rather than incarcerating them, where circumstances justify such an approach.

12. Sentencing is not a mechanical exercise. It involves balancing the principles of deterrence, retribution, proportionality, and reformation. Modern penological thought recognises that imprisonment should not be imposed as a matter of course, particularly in cases of first-time offenders where there is a genuine possibility of reform.

13. In the present case, the convict has clean antecedents and no prior criminal history. The incident, as borne out from the record, arose due to a dog bite and does not indicate pre-planned or organised criminal activity. The convict has already been incarcerated for 48 days and thereafter she

remained on bail during trial and did not misuse the liberty granted to her. The trial has remained pending for a considerable period, which itself has had a sobering effect.

14. The favourable report of the Probation Officer indicates that the convict is integrated part of society and is not likely to indulge in criminal conduct in future. There is nothing on record to suggest that her release on probation would be detrimental to societal interest or would defeat the ends of justice.

15. I am mindful of the fact that Section 308 IPC involves an element of violence. However, sentencing must be individualised and tailored to the facts of each case. Considering the totality of circumstances, including the character of the offender, absence of criminal antecedents, the circumstances in which the offence was committed, and the favourable Probation Officer's report, I am of the considered opinion that this is a fit case for extending the benefit of Section 4 of the Probation of Offenders Act, 1958.

16. Accordingly, instead of sentencing the convict Rajani to undergo imprisonment, she is directed to be released on probation of good conduct under Section 4(1) of the Probation of Offenders Act, 1958, on her entering into personal bond in the sum of Rs.15,000/- with one surety in the like amount for a period of three(3) years, undertaking to maintain peace and good behaviour during the said period and to appear and receive sentence when called upon to do so. Further, the end of justice

shall be met if she compensate the victim Sapna monetarily. Accordingly the Convict Rajni is directed to pay a sum of Rs.1,50,000/- to the complainant/victim Sapna as compensation for the injuries sustained by her, under section 5 of the Probation of Offenders Act. Additionally, she is directed to pay cost of proceedings to the State to the tune of Rs.5000/- under section 5 of the Probation of Offenders Act. She is directed to pay the compensation to the victim/complainant through demand draft or online method.

17. The convict shall remain under the supervision of the Probation Officer during the probation period and shall comply with all lawful directions issued by the Probation Officer. She shall not commit any offence during the probation period. In case of breach of any condition, she shall be liable to be summoned and sentenced in accordance with law.

18. Convict Rajani sought some time to furnish probation bonds. Request accepted. Put up for filing of probation bonds on behalf of convict Rajani on 19.03.2026. Notice be also issued to the complainant/victim Sapna to appear and receive compensation for 19.03.2026. Copy of this order be supplied to the convict free of costs. Copy of this order be also sent to the Probation Officer for information, supervision, and compliance.

**PRONOUNCED IN OPEN COURT ON
THIS 11TH DAY OF MARCH 2026**

**(Samar Vishal)
ASJ-02, South District
Saket Courts, New Delhi
11.03.2026**