



IN THE COURT OF JUDICIAL MAGISTRATE
FIRST CLASS, MANAVADAR AT JUNAGADH
CRIMINAL CASE NUMBER 112/2021

In the matter of :-

COMPLAINANT	STATE OF GUJARAT
VERSUS	
ACCUSED NO 1.	SANJAY BHANUBHAI URFE KARABHAI VIZUDA
ACCUSED NO 2.	ASHWIN BHANUBHAI URFE KARABHAI VIZUDA

**ORDER BELOW EXHIBIT 54 (APPLICATION OF
ACCUSED NUMBER 1 AND 2 FOR RELEASE AS
PER THE PROVISIONS OF PROBATION OF
OFFENDERS ACT)**

1. Heard the learned advocates on record at length.

ISSUES

2. Keeping in mind the sentencing principles following limited issues arise for the consideration of this court.

1. Whether in the present facts and circumstances of the case accused deserves to be dealt with the provisions of section 360 of the CRPC or probation of offenders act, 1958? In other words whether the application of the accused at exhibit 54 under section 4 of the probation of offenders act, 1958 deserves to be allowed? If yes what order?

REASONS & FINDINGS

2. In the present case the learned advocate for the complainant/prosecutor and the learned advocate for the accused has jointly submitted that the present accused should be dealt in accordance with the provisions of section 4 of the probation of offenders act, 1958. For which present application was filed by the learned advocate of the accused under the provisions of section 4 of the probation of offenders act, 1958 and learned APP has no objection if stringent conditions are passed.
3. Having heard the arguments advanced by the learned advocates on record and taking into consideration written application of the accused and arguments advanced and the object of section 4 of the probation of offenders act, 1958 after perusal of the documents on record in the opinion

of this court and in the interest of justice and in the present facts and circumstances of this case the present application deserves to be allowed and this court is inclined to exercise its discretion in the favour of the applicant-accused.

4. Accordingly instead of sentencing accused to any punishment of imprisonment the accused should be released on probation of good conduct in accordance with following conditions mentioned in section 4 of the probation of offenders act, 1958.
5. In view of the above discussion, in the interest of justice following final order is passed

FINAL ORDER

1. The present application vide exhibit 54 is hereby allowed and the applicant-accused is released on probation of good conduct under section 4 of the probation of offenders act, 1958 in connection with CC/112/2021 qua offences pertaining to section 323, 325 of the Indian Penal Code.
2. The applicant is ordered to furnish duly executed personal bond of Rs. 25000/- with one surety of the like amount subject to following conditions:-

- (a) S.H.O Manavadar police station is appointed as a probation officer, in terms of section 13 of the probation of offenders act, 1958.
- (b) Accused shall not commit an offence similar to the offence of which he is accused;
- (c) Accused shall not take undue advantage of liberty or misuse liberty;
- (d) Accused and surety shall furnish the permanent as well as temporary detailed address of residence as well as place of occupation/service with mobile numbers in writing via formal pursis along with supportive documents and if they change their residence/place of occupation then shall inform the trial court and probation officer within 7 days;
- (e) The applicant shall maintain peace and good behaviour for a period of one year from today and shall not repeat the offence.
- (f) In exercise of powers under section 5 of the probation of offenders act, both the accused are ordered to pay amount of Rs. 18,000/- each, total Rs. 36,000/- to the nazar as deposit within 30 days which should be paid

to the victim-defacto complainant
THOBANBHAI MOHANBHAI
JARSANIYA (or his legal representatives)
as a compensation.

(g) In case of breach of any of the above conditions, his bail will be cancelled. Should he fail to maintain the peace or not be of good behaviour or repeat the offence and should he fail to pay the compensation as aforesaid, he shall serve out the sentence of imprisonment as and when imposed in accordance with section 9 of the probation of offenders act, 1958.

3. Copy of this order be sent to probation officer appointed.

4. The probation officer shall advise and assist the applicant-accused in the payment of compensation as ordered by this court and shall follow the duties in accordance with section 14 of the probation of offender act, 1958.

5. After the expiry of period of appeal, Muddamal is ordered to be destroyed in accordance with the rules.

This order is pronounced in open court on dated 10th August 2026.

(B.R. Lakhwani)
JMFC Manavadar
GJ01711