



2026:AHC:79819

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 4455 of 2002

Thakur Prasad And Others

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s) : Pradeep Narain Pandey, Rama Nand Pandey
Counsel for Respondent(s) : Govt. Advocate

Court No. - 93

HON'BLE MRS. VANI RANJAN AGRAWAL, J.

1. Heard Sri Pradeep Narayan Pandey, learned counsel for appellants; Sri Jai Prakash Tripathi, learned Additional Government Advocate for the State respondent and perused the record.

2. This criminal appeal under Section 374(2) Cr.P.C. has been preferred by appellant challenging the judgment and order dated 25.9.2002 passed by learned Additional Sessions Judge/Fast Track Court (F.T.C.) No.2, Basti in Session Trial No.79 of 1998 (State vs. Thakur Prasad & six others) arising out of Crime No.274 of 1996, Police Station Kotwali Basti, District Basti convicting and sentencing the appellants under Sections 147 and 323/149 I.P.C. to undergo six months imprisonment, but in place of imprisonment the appellants were released probation with a condition to keep good conduct for period of next six months and further to file personal bond and sureties of Rs.10,000/-.

3. Learned counsel for appellants have made no argument on the point of conviction and submitted that appellants have been released on probation under Section 4 of the Probation of Offenders Act, 1958 and they have followed the conditions as stipulated in the judgement and order dated 25.9.2002. He submitted that due to order of probation, future of appellants may not be affected. Hence this appeal.

4. Learned AGA opposed the contention made by learned counsel for appellant.

5. The prosecution witnesses have fully supported the prosecution story in their statements given before the trial Court.

6. In this context Section 12 of The Probation of Offenders Act, 1958 is reproduced:-

"12. Removal of disqualification attaching to conviction.-- Notwithstanding anything contained in any other law, a person found guilty of an offence and dealt with under the provisions of section 3 or section 4 shall not suffer disqualification, if any, attaching to a conviction of an offence under such law: Provided that nothing in this section shall apply to a person who, after his release under section 4 is subsequently sentenced for the original offence."

7. Interpretation of Section 12 of The Probation of Offenders Act, 1958 will depend upon observation given by Hon'ble Supreme Court in the case of **The Divisional Personnel Officer, Southern Railway & another vs. T.R.Challapan, AIR 1975 SC 2216** and by Delhi High Court in the case of **Iqbal Singh vs. Inspector General of Police and others, AIR 1970 Delhi, 240.**

8. Appellants were convicted under Sections 147 and 323/149 IPC by the Court concerned and maximum lenient view was taken by the trial Court. Six months of probation have elapsed from the date of judgment. No fruitful purpose would serve in keeping this appeal pending. The view taken by the trial Court is plausible view. No interference is called for. The judgement and order dated 25.9.2002 passed by the trial Court is hereby confirmed. This appeal is, therefore, dismissed.

9. Office is directed to transmit copy of this order alongwith record of trial Court to the trial Court.

April 10, 2026
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(Mrs. Vani Ranjan Agrawal,J.)