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SLP(Crl.)No. 1740 OF 2001  
ITEM No.203

Court No. 5

SECTION IIA  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 1740/2001

(From the judgement and order dated 15/12/2000 in CRLA. 231/87  
of The HIGH COURT OF PATNA)

ASHUTOSH KUMAR MANOJ @ CHHOTE LAL

Petitioner (s)

VERSUS

STATE OF BIHAR

Respondent (s)

( With Appln(s). for permission to place annexure(s) and bail and  
Office Report)  
( For Final Disposal )

Date : 24/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS  
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s)

Mr.K.B. Sinha,Sr.Adv.,  
Mr.S.C. Paul,Adv.,  
Mr.J.D. Jain,Adv.

For Respondent (s)

Mr.Saket Singh,Adv.,  
Mr. B.B. Singh,Adv.

UPON hearing counsel the Court made the following

O R D E R

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.SP2

Leave granted.

Conviction of the appellant is confirmed and instead  
of sentencing him, he is released under Section 4 of the  
Probation of Offenders Act, 1958. Appellant to execute a  
bond before the trial court within a month from today in a  
sum of Rs.1,000/- with two solvent sureties to keep good  
behaviour for a period of three years. The aforesaid  
benefit has been granted to him to protect him from being  
dismissed or otherwise dealt with by the bank on the  
strength of the conviction. The appeal stands disposed of  
accordingly.

.SP1

(Vijay Kumar Sharma)  
Court Master

(H.K. Bhatia)  
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA  
CRL. APPELLATE JURISDICTION

CRL. APPEAL NO.856 OF 2001@@  
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(Arising out of SLP (Crl) No.1740/2001)

ASHUTHOSH KUMAR MANOJ

Appellant

Versus

STATE OF BIHAR

Respondent

O R D E R@@  
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.....L.....I.....T.....T.....T.....T.....J.....  
.SP2

Leave granted.

The appellant now stands convicted under Section 324 Indian Penal Code and sentenced to undergo R.I. for two years. Mr.K.B Sinha, the learned senior counsel made an unsuccessful plea for acquittal on the ground that the alleged attack made to PW-3 did not result in any injury on that victim. This argument was made on the premise that no injury report has been produced. We asked the learned counsel for the State of Bihar whether there is any injury report for the court to satisfy that the blow dealt with by the appellant had resulted in any injury to PW-3. He also fairly conceded that no medical report as such has been produced but PW-3 himself said that he sustained injuries. As this is a finding on facts by the High Court, we decline to interfere with such finding.

Mr.K.B. Sinha, the learned senior counsel made an alternative plea that the appellant being an employee of

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Canara Bank and his son is handicapped (as could be seen from the certificate produced) he may be dealt with under the Probation of Offenders Act. He submitted that such a merciful consideration would help him to continue in service in the Canara Bank by virtue of Section 12 of the Probation of Offenders Act. He pointed out that his losing the job would be calamitous to his handicapped son. Learned counsel for the State of Bihar is not seriously opposing that plea.

We, therefore, confirm the conviction and instead of sentencing him, release him under Section 4 of the Probation of Offenders Act, 1958. We direct him to execute a bond before the trial court within a month from today in a sum of Rs.1,000/- (Rupees One Thousand only) with two solvent sureties to keep good behaviour for a period of three years.

We make it clear that the aforesaid benefit has been granted to him to protect him from being dismissed or otherwise dealt with by the bank on the strength of the conviction. The appeal is disposed of accordingly.

.SP1

.....J.@@  
BB  
( K.T. Thomas)@@  
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.....J.@@  
BB  
( S.N. Variava)@@  
BB

New Delhi,  
August 24, 2001