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SLP(Cr1.)No. 1671 OF 2001

ITEM No.38

Court No. 3

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 (Cr1.) No. 1671/2001

(From the judgement and order dated 16/02/2001 in CRLR 963/98
of The HIGH COURT OF M.P AT JABALPUR)

CHHOTELAL

Petitioner (s)

VERSUS

STATE OF M.P.

Respondent (s)

(With Appln(s). for stay)
(With Office Report)

Date : 08/10/2001 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. Karan Singh, Adv.
Mr. Hari Shankar K.,Adv.

For Respondent (s) Ms. Vibha Datta Makhija, Adv.
Ms. Dharti, Adv.
Mr. Uma Nath Singh,Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....J
.SP2

Leave granted.
Appeal is disposed of in terms of the signed
order.

.SP1 Hemalatha (HK Bhatia)
Court Master

(signed order is placed on file)

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.PL55

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1023 OF 2001@@
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(Arising out of SLP(Cr)1671 of 2001)@@
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Chhotelal

.. Appellant

Vs.

State of M.P.

.. Respondent

O R D E R@@
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.SP2

Leave granted.

Appellant stands convicted under Section 452 read with Section 34 of the Indian Penal Code. earlier he and some others were convicted under Section 452 and Section 323 read with Section 34 of the IPC. When the matter was taken up in revision the High Court while affirming the sentence of imprisonment, enhanced the fine amount to Rs.2000/-

Learned counsel for the appellant made a plea that the provisions of the Probation of Offenders Act may be applied to this appellant or else he will lose his job as government servant. For considering the said plea we called for a report from the probationary officer and the report of the probationary officer shows that there is no impediment in dealing with the appellant under the provisions of the Probation of the Offenders Act. We are disposed to save the appellant from the consequence befalling him in his service career on account of the conviction and sentence imposed.

:2:

We, therefore, alter the sentence passed on him instead of sentencing him we release him under Section 4 of the Probation of Offenders Act He is directed to execute a bond in the trial court within two months from today in a sum of Rs.2000/- with two solvent sureties to keep peace and be of good behaviour. He will be subjected to the supervision by the Probation Officer during the said period.

The appeal is disposed of in the above terms.

.SP1

.....J
(K.T. Thomas)

New Delhi
October 8, 2001

.....J
(S.N. Variava)