

R
Crl.A.No. 6 OF 1998
ITEM No.107

Court No. 5

SECTION IIA

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

CRIMINAL APPEAL No.6 OF 1198

RAMAKANT TIWARY Appellant (s)

VERSUS

STATE OF BIHAR & ANR. Respondent (s)

(with office report)

Date : 05/02/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s)Mr. Akhilesh Kr. Pandey, Adv.,
Mr. Ashok Kr. Pandey, Adv.

For Respondent(s)Mr. Saket Singh, Adv. for
Mr. BB Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard the learned counsel for the parties.

The appeal is disposed of in terms of the signed order.

(D.L.Chugh) (Ramesh Chand)
Court Master Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.6 OF 1998

RAMAKANT TIWARYAppellant(s)

versus

O R D E R

Heard the learned counsel for the parties.

On 5.1.1998 granting leave the scope of the appeal was limited only to the question of sentence.

We have gone through the judgments of the courts below. We find no infirmity in the conclusions arrived at by the courts below about the guilt of the accused. Though, originally the sentence of two years was awarded, but the same was reduced to six months in appeal by the appellate court. The revision was disposed of ex parte as learned counsel for the petitioner before the High Court did not appear on the date of hearing.

Considering the peculiar facts and circumstances of the case, as noted by the trial court and the High Court, while upholding the conviction made and sentence imposed on the appellant, we direct that the benefits under the provisions of Probation of Offenders Act, 1958 be extended to the appellant. The appellant shall appear before the concerned court within four weeks from the date of this order, with a copy of this order so that the terms of probation can be fixed. The appeal is, thus, disposed of.

.....J.
(DORAISWAMY RAJU)

.....J.
(ARIJIT PASAYAT)

New Delhi,
FEBRUARY 05, 2004