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SLP(Crl.)No. 2974-2975 OF 2003  
ITEM No.32

Court No. 9

SECTION IIA  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 2974-2975/2003  
(From the judgment and order dated 25/02/2003 in CRLRA 208/92

of The HIGH COURT OF BOMBAY AT AURANGABAD)

DNYANESHWAR KISAN SHELAR

Petitioner (s)

VERSUS

STATE OF MAHARASHTRA Respondent (s)  
( With Appln(s). for exemption from surrendering and stay and bail and directions )  
( With Office Report )

Date : 31/10/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN  
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s)Mr. Venkateswara rao Anumolu, Adv.

For Respondent (s)Mr. Mukesh K Giri, Adv.  
Mr. Ravindra Keshavrao Adsure, Adv.

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

Leave granted.

The appellant is directed to be released on probation in terms of the signed order. The appeals are disposed of.

[ Charanjeet Kaur ]  
Court Master

[ Veera Verma ]  
Court Master

[ Signed order is placed on the file ]  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.13424-1325 OF 2003  
( arising out of SLP(Crl.) Nos. 2974-2975/2003 )

Dnyaneshwar Kisan Shelar

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Appellant (s) Pe

Versus

State of Maharashtra

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Respondent (s)

O R D E R

Leave granted.

Heard the appellant's counsel and the counsel for the respondent.

The appellant was convicted for the offence punishable under Section 498-A of Indian Penal Code and he was sentenced to undergo imprisonment till rising of the Court and to pay a fine of Rs. 2,000/-.

The counsel for the respondent submitted that during the pendency of the proceedings both the appellant and his wife got divorced through court and they are now living separately. The parties wanted to compound the offence but in view of the fact that the offence punishable under Section 498-A being non-compoundable, the same could not be granted and the Court was lenient in awarding the sentence of imprisonment till the rising of the Court.

The counsel for the appellant has submitted that the appellant is a Government employee and in view of his conviction, he is under the risk of losing his employment and prayed that the appellant may be released on probation under Section 360 Cr.P.C. We direct that the appellant be released on probation on executing a bond before the Judicial Magistrate, First Class, Parner, Maharashtra, and he shall keep good behaviour. The bond shall be for a period of one year. The sentence of imprisonment till the rising of the Court is set aside. The appeals are disposed of accordingly.

.....J[ K.G. BALAKRISHNAN ]

.....J [ G.P. MATHUR ]

NEW DELHI,  
OCTOBER 31, 2003.