

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. 2310-2312/2001

(From the judgement and order dated 09/05/2001 in CRLR 74/01
and order datd 21/05/2001 in Crl.Misc. No.547/2001 and Crl.
Review No.548/2001 in Crl. Revision No.74/2001 of the High Court
of Delhi at New Delhi)

MAUJUDDIN

Petitioner (s)

VERSUS

STATE, GOVT. OF N.C.T. OF DELHI

Respondent (s)

(With Appln(s). for bail and office report)

Date : 06/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr. R.C. Verma, adv.
Mr. Kiran Kapoor, adv.
Mr. Mukesh Verma, adv.

For Respondent (s) Mr. Avatar Singh Rawat, adv.
Mr. D.S. Mahara, adv.

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

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

Leave granted.
The appeals are disposed of in terms of the signed
order.

.SP1

(Neena Verma)
Court Master

(S. Malkani)
Court Master

Signed order is placed on the file.

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 779-781 OF 2001@@
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(@ Special Leave Petition (Crl.) Nos.2310-2312/2001)

Maujuddin Appellant

Versus

State, Government of N.C.T. of Delhi Respondents

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

Leave granted.

The appellant was convicted for an offence under Section 304-A/338/278 IPC and sentenced to suffer 18 months RI and to pay a fine of Rs.1,000/-. On appeal, the learned Sessions Judge maintained the conviction but reduced the sentence to six months RI and a fine of Rs.500/-. During the proceedings in a revision petition filed by the appellants in the High Court, it appears that a report was called for from the Probation Officer with a view to consider whether or not the appellant be given benefit of The Probation of Offenders Act? The report of the Probation Officer was submitted on 08.05.2001. Copy of the same is available on the record as Annexure P-3 (Pages 21 to 28 of the paper book). Unfortunately, the High Court has not referred to the report of the Probation Officer at all and dismissed the revision petition.

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We have carefully considered the report of the Probation Officer and find that the Probation Officer has made a recommendation that the appellant be considered for grant of the benefit of probation under the Probation of Offenders Act, 1958.

While maintaining the conviction of the appellant for the offences for which he has been convicted, we set aside the sentence of imprisonment, including the sentence of imprisonment of fine and direct that the appellant be released under the Probation of Offenders Act on his furnishing bonds to be of good behaviour for a period of three years. The needful shall be done by him in the Trial Court.

The appeals succeed to the limited extent and are disposed of.

.SP1

.....CJI.

.....J.
(R.C. LAHOTI)

New Delhi,
August 06, 2001.

.....J.
(K.G. BALAKRISHNAN)