

ITEM NO.38

COURT NO.14

SECTION II-A

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 (Cr1.) No(s). 1390/2023

(Arising out of impugned final judgment and order dated 06-12-2022 in IA No. 02/2022 passed by the High Court of Judicature at Patna)

VIJAY KUMAR BHADANI

Petitioner(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

(IA No. 20878/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 20880/2023 - EXEMPTION FROM FILING O.T.)

Date : 20-02-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. Sameer Kumar, AOR
Mr. Aditya Shankar Prasad, Adv.
Mr. Sameer Kumar, Adv.
Mr. Shah Rukh Ahmad, Adv.
Mr. Sahil Chowdhury, Adv.
Mr. Mandeep Baisala, Adv.

For Respondent(s) Mr. Manish Kumar, AOR

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

This Court is of the opinion that instead of prolonging the issue further and investigating the medical condition of the petitioner, it would be in the fitness of things that the High Court considers the question of appropriateness of probation instead of the sentence awarded having regard to the admitted facts of this case and the concurrent findings against him. In these circumstances, the

petitioner/ applicant requests that he may be permitted to move an application for probation under Sections 3/4 of The Probation Of Offenders Act, 1958. In case such an application is made, the High Court shall consider the same appropriately imposing such conditions as are necessary including directing payment of suitable fine and compensation along with imposing a reasonable period of probation.

In these peculiar circumstances, the petitioner's application will be entertained, irrespective of his request for exemption from surrender. The probation application may be decided on merits regardless on the merits of the application for exemption from surrender.

The special leave petition is disposed of on the above terms.

All pending applications are disposed of.

(NEETA SAPRA)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)