

**HIGH COURT OF MADHYA PRADESH JABALPUR**

**Criminal Appeal No.1476/1996**

***Paltu Ram and others***

***Vs.***

***The State of Madhya Pradesh***

-----  
***Present : Hon'ble Shri Justice N.K. Gupta.***  
-----

***Name of counsel for the parties:***

*Shri Harpreet Ruprah, Advocate for the appellants.*

*Shri P.C. Jain, Panel Lawyer for the respondent/State.*  
-----

**J U D G M E N T**  
***(18.11.2010)***

The appellants have preferred this appeal against the judgment dated 22.8.1996 in S.T. No.67/95 passed by 3<sup>rd</sup> Additional Sessions Judge, Sagar Camp at Rehli by which they were convicted for the offence punishable under Section 506 (Part-I) of IPC and inflicted with the sentence of R.I. for three months.

**2.** The prosecution case in short is that on 23.6.1994 at about 10:30 p.m. in the night, the complainant Ratiram was present at Bus Stand of village Patna Bujurg. The appellants came to the spot by abusing the complainant. The appellants also assaulted the complainant and abused him on the basis of caste. They also threatened him that they would

kill him in future. Due to intervention of some witnesses, the complainant could be saved. The complainant lodged FIR (Ex.P/1) in Police Station, Rehli. After due investigation, the police had filed a charge sheet for the offence punishable under Sections 342, 294, 506 (Part-II) and 352 read with Section 34 of IPC and Section 3(1)(X) of SC/ST (Prevention of Atrocities) Act before the committal Court.

**3.** The appellants abjured their guilt. They did not take any specific defence. However, Prakash @ Ashok Kumar (DW-1) and Kamal Singh (DW-2) were examined from the side of the appellants.

**4.** Learned 3<sup>rd</sup> Additional Sessions Judge, Sagar after considering the evidence adduced by the parties acquitted the appellants for the offence punishable under Section 3(1)(X) of SC/ST (Prevention of Atrocities) Act, but convicted for the offence punishable under Section 506 (Part-I) of IPC and inflicted the aforesaid sentence.

**5.** I have heard learned counsel for both the parties.

**6.** Learned counsel for the appellants has submitted that the appellants were convicted for the offence which was punished with a maximum sentence of two years and, therefore, Probation of Offenders Act is applicable in the case. Learned 3<sup>rd</sup> Additional Sessions Judge found that the appellants did not commit any crime of the Special Act on the

basis of caste and, therefore, crime so committed by the appellants was a very minor one. The appellant No.3 was a 20 years old young youth, whereas the appellant No.4 was 60 years old man at the time of incident. Looking to their age, they must have been given an advantage of the Probation of Offenders Act. He further submits that the complainant Ratiram has filed an application under Section 320(2) of Cr.P.C. with an affidavit, but he could not appear before the Court to verify the said application, the appellants could not get any advantage of that application, but looking to the affidavit of complainant Ratiram, the appellants No.1 & 2 may also be given the advantage of the Probation of Offenders Act.

**7.** After due consideration of the contention of learned counsel for the appellants, it is clear that the appellants have committed a very minor offence. They did not implement any threat during the trial. On the contrary, the complainant Ratiram has submitted an affidavit before this Court wherein it is submitted that he is willing to do the compromise, therefore, it is a proper case in which the appellants may be given the advantage of Section 3 of the Probation of Offenders Act.

**8.** On the basis of aforesaid discussion, the appeal of the appellants can be partly accepted. Their sentence can be

set aside and they may be enlarged on probation. Therefore, the appeal filed by the appellants is hereby partly allowed. The conviction directed by the trial Court on the appellants for the offence punishable under Section 506 (Part-I) of IPC is hereby maintained but the sentence passed against the appellants is hereby quashed. They be released on probation under the provisions of Section 3 of the Probation of Offenders Act by giving due admonition to them.

**9.** The appellants are on bail, therefore their bail bonds stand discharged.

**(N.K. GUPTA)**  
**JUDGE**  
**18.11.2010**