

(1997) 08 AHC CK 0123**Allahabad High Court****Case No:** Criminal Revision No. 1927 of 1984

Khunnu

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: Aug. 14, 1997**Acts Referred:**

- Penal Code, 1860 (IPC) - Section 325

Citation: (1997) 21 ACR 988**Hon'ble Judges:** K.D. Shahi, J**Bench:** Single Bench**Final Decision:** Dismissed

Judgement

K.D. Shahi, J.

This criminal revision arises out of the judgment and order dated 23.8.1984 passed by Sri M.S. Nigam, VIth Additional Sessions Judge, Jhansi in Criminal Appeal No. 88 of 1984 dismissing the appeal and confirming the conviction and sentence of the Appellant u/s 325, I.P.C. and sentencing him to 6 months" R. I. and a fine of Rs. 500 and in default of payment of fine three months" additional R. I. passed by learned Sri U.S. Bansal, Judicial Magistrate-Ist, Jhansi on 14.2.1984 in Criminal Case No. 442 of 1982.

2. The brief facts of the case are that on 5.4.1982, a quarrel took place between Ashok, brother of injured Bhagwan Das and Munna, son of the revisionist Khunnu. On this the revisionist went to the house of complainant Bhagwan Das with a lathi at 6.00 p.m. and caused him injuries. The witnesses saw the occurrence. The learned Magistrate after recording evidence convicted the revisionist and sentenced him to imprisonment as stated above. The revisionist preferred the appeal which was dismissed by the appellate court.

3. Being aggrieved by the said order, the present revision has been filed. I have gone through the judgments recorded by both the Courts below. The Appellant has

been rightly convicted and sentenced. The findings of fact cannot be assailed in revision. In the revisional Court, the learned Counsel for the revisionist did not seriously press the revision on merits. He prayed that the occurrence is of 1982, about more than 15 years have been passed and no useful purpose shall be served by sending the revisionist to jail. Even otherwise, it was argued that no fresh incident took place between the parties and they are living peacefully. He further filed an affidavit in this Court on 30.7.1997 and alleged that he has remained in custody for more than one month and 21 days. He has already deposited the fine of Rs. 500 in the court. No other incident is recorded against him. He is not said to be a man of bad character.

4. In the circumstances of the case, the learned Counsel for the revisionist prayed that the revisionist may be released on probation of good conduct.

5. I am in full agreement with the above argument of the learned Counsel for the revisionist. The revisionist has already remained in custody for one month and 21 days and he has deposited the fine. In the circumstances. I direct him to be released on probation of good conduct.

6. In the result, having considered the age, character and antecedent of the revisionist and also the circumstances in which the offence was committed, I direct that the revisionist be released on probation of good conduct on his furnishing into a bond with two sureties to appear and receive sentence when called upon during a period of one year and, in the meantime, he is directed to keep peace and be of a good behaviour. The bonds shall be furnished before the probation officer to the satisfaction of C.J.M., Jhansi. The revisionist shall submit the bonds within a period of two months from today, failing which he shall be taken into custody to serve out the remaining part of the sentence.

7. Office is directed to issue a copy of this order to the revisionist within ten days on payment of usual charges.