

Mohammad Alias Biliya vs State Of Rajasthan on 15 May, 1998

Equivalent citations: 1999CRILJ3509, (2000)10SCC486

Author: Sujata V. Manohar

Bench: Sujata V. Manohar

ORDER

1. Leave granted.

2. The appellant stood charged under Section 302 IPC but the learned Sessions Judge convicted him under Section 304 Part II IPC and sentenced him to four years' imprisonment. Against the order of the learned Sessions Judge, the State and also the appellant had preferred the appeals but both the appeals were dismissed. In this Court when the matter was listed for admission, a limited notice had been given to find out whether the provisions of the Probation of Offenders Act can be given effect to in view of the age of the appellant on the date of the occurrence. On verifying the age of the appellant, Mr Aruneshwar Gupta, learned counsel appearing for the State states that admittedly the age of the appellant was less than 21 years on the date of the occurrence. In view of the aforesaid, we direct that the appellant be released on probation on executing a bond to the satisfaction of the Magistrate concerned for a period of two years,

3. The appeal is disposed of accordingly.