

State Of Gujarat vs V.A. Chauhan on 3 February, 1983

Equivalent citations: AIR1983SC359, 1983(1)SCALE716, (1983)2SCC64, AIR 1983 SUPREME COURT 359, 1983 (1) FAC 56, 1983 SCC(CRI) 349, 1983 (1) CRIMES 734 (1), (1983) SC CR R 209, (1983) EFR 328, (1983) GUJ LH 382, 1983 (2) SCC 64, (1983) 1 CRIMES 734(1)

Bench: O. Chinnappa Reddy, S. Murtaza Fazal Ali

ORDER

1. In this case the only point involved is as to whether the provisions of Probation of Offenders Act would apply to the present case where the respondent was convicted under Sections 409, 467 and 471 IPC and Section 5(1)(C) read with Section 5(2) of the Prevention of Food Adulteration Act. The High Court gave the benefit of the Probation of Offenders Act to the accused and since last six years the respondent is enjoying this benefit. The matter seems to be concluded by the decision of this Court where it has been held that the benefit of Probation of offenders Act cannot be given to an accused convicted of an offence punishable with imprisonment for life. We entirely agree with this decision and hold that the Probation of Offenders Act is not applicable, but in the instant case, as the respondents has already been given the benefit of Probation of Offenders Act, we do not think it is in the interest of justice to interfere with it at this stage, after so many years. The appeal is accordingly dismissed.