

Ghanshyam Das

Vs

Municipal Corporation of Delhi

Criminal Appeal No. 73 of 1974

(H. R. Khanna, Y. V. Chandrachud JJ)

06.08.1974

ORDER

After hearing the learned Counsel for the parties, we are of the view that as the matter pertains to the year 1965 and as the appellant since then has had to face protracted criminal proceedings, it would not seem proper to send the appellant to jail. In our opinion, it is a fit case in which the order of the learned Additional Sessions Judge by which he directed that the appellant be bound down under Section 4 of the Probation of Offenders Act be restored. We accordingly accept the appeal, set aside the judgment of the High Court and restore the order of the Additional Sessions Judge whereby the appellant was ordered to be bound down under Section 4 of the Probation of Offenders Act on his executing a personal bond in the sum of Rs. 2,000 with one surety for the like amount to the satisfaction of the Chief Judicial Magistrate.

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