

Om Prakash and Others

Vs

State of Madhya Pradesh

Criminal Appeal No. 441 of 1981

(P. N. Bhagwati, A. Varadarajan JJ)

10.04.1981

JUDGMENT

BHAGWATI, J. -

We think that having regard to the facts and circumstances of the present case and particularly in view of the fact that the offence of which the appellants have been convicted is one under Section 323, IPC, it would meet the ends of justice if the appellants are not sent to jail but are released on probation under Section 360(1) of the Code of Criminal Procedure, 1973. We accordingly allow the appeal on the question of sentence, set aside the sentence of imprisonment imposed on the appellants and direct that each of the appellants be released on his entering into a bond in the sum of Rs 500 with one surety for the like amount to appear and receive sentence when called upon during a period of six months and in the mean time, to keep the peace and be of good behaviour.

</html