

State of Gujarat

Vs

V. A. Chauhan

Criminal Appeal No. 163 of 1976

(Syed M. Fazal Ali, D. Chinnappa Reddy JJ)

03.02.1983

ORDER

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 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 [sic Corruption] 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 in Som Nath Puri v. State of Rajasthan((1972) 3 SCR 497 : (1972) 1 SCC 630 : 1972 SCC (Cri) 359 : AIR 1972 SC) where it has been held that the benefit 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 respondent has already been given 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.

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