

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (S.J.) No. 01 of 2022

(Against the judgment of conviction and order of sentence dated 20.12.2021 passed in Sessions Trial No. 83 of 2014 arising out Satgawan P.S. Case No. 85 of 2013 by Sri Tarun Kumar, District & Additional Sessions Judge-III, Koderma)

Md. Saud, aged about 37 years, Son of Md. Mansoor Alam, Resident of Village- Bajjaniya, P.O.- Madhopur, P.S.- Satgawan, District- Koderma

--- --- **Appellant**

Versus

The State of Jharkhand

--- --- **Respondent**

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For the Appellant : Mr. Sanjay Kumar Pandey No. -II
Mr. Avilash Kumar, Advocate
For the State : Mr. Bhola Nath Ojha, A.P.P.

PRESENT

HON'BLE MR. JUSTICE RAJESH KUMAR

J U D G M E N T

16.03.2026

1. Heard learned counsel the appellant and learned A.P.P. representing the State.
2. The present appeal has been preferred against the judgment of conviction and order of sentence dated 20.12.2021 passed in Sessions Trial No. 83 of 2014 arising out Satgawan P.S. Case No. 85 of 2013 by the learned District & Additional Sessions Judge-III, Koderma, whereby the appellant has been convicted for the offence punishable under Section 411 of the I.P.C and has been sentenced to undergo R.I. for a period of two years with a fine of Rs.1000/- and in default thereof, he is further directed to serve S.I. for a period of six months.
3. The sentencing part of the judgment passed in aforesaid appeal is reproduced below:

“Heard on the point of sentence

Both the parties appeared for hearing on the point of sentence to the convicted accused.

Ld. Advocate appearing for the convicted accused has submitted that the convict is first offender and there is no criminal history against him. He will not repeat such type of offence in future and there is no any earning member in his family to look after the family. He has made prayer to take a lenient view while awarding sentence to the convicted accused in the interest of justice.

Ld. PP for the state has submitted that the convict has committed the aforesaid offence intentionally with dishonest intention after knowing everything having the stolen property for his personal benefit. Therefore he deserves substantive punishment for the offence committed by him.

Heard the submission of both the parties and perused the case record. It appears that this is first offence of the convict and he has committed the aforesaid offence of retaining the motorcycle in his hands on purchase knowingly with dishonest intention, having reason to believe that the said property is the stolen property and he was having full knowledge of the consequences of the offence committed by him and in such circumstance he deserves substantive punishment. Hence the convict is hereby ordered and sentenced to go to serve RI for a period of two (2) years with fine Rs. 1000/-, failing deposit of fine he is further ordered to serve SI for a period of six (6) months. The period undergone by the convict during investigation or trial shall be set off from the punishment awarded.

Issue conviction warrant accordingly.”

4. Learned counsel for the appellant has confined his prayer to the extent that inspite of the fact that it is a first offence and there is no criminal history, still the benefit of Section 3 of the Probation of Offenders Act has not been granted rather he has been convicted under Section 411 of the I.P.C.
5. Referring to above Section 3, it has been submitted that punishment is either he may be sentenced or acquitted after imposing

a fine only.

6. Thus, as per the intend of Section 3 of the Probation of the Offenders Act, he should have been dealt with accordingly.

7. Learned counsel for the State has supported the judgment of conviction but could not oppose the above proposition of law.

8. In view of the above limited submission and considering the fact that this is the first offence of the appellant and no previous conviction under Section 4 of the Probation of Offenders Act, the sentencing part is modified by giving benefit of Section 3 of the Probation of Offenders Act with a warning that he will not repeat such a crime in future.

9. With the above modification of sentence and giving benefit of Section 3 of the Probation of Offenders Act, the present appeal stands disposed of.

10. Since the appellant is on bail, he is discharged from the liability of his bail bond.

(Rajesh Kumar, J.)

Dated 16th March 2026
A. Mohanty
Jharkhand High Court

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