

JUDICIARY

# MINOR LAW

Tansukh Paliwal (Linking Sir)



एक क्लास

# The Probation of Offenders



Act, 1958 खल्लास\*



OBJECT

खरबूजे को देख

खरबूजा रंग बदलता है!

1973  
Jugal  
Kishor  
v/s  
Bihar

Obdurate  
Offender  
(रिचेस)

Youthful Offender



Supreme Court

353  
-  
365

**CrPC: 1973**

Ch. 27: Judgment (निर्णय)

360

u/w

361

**Offence**

अपराध

C

Trial

**Convict**

(दोषसिद्ध)

**Sentence Hearing**

**Judgment**

1. - **Admonition**
2. - **Probation**
- **Sentence**





# POST MORTEM

L/W  
S. 361

Sec. 360, CrPc

~~N.A.~~  
360(10)

- ① PoO Act
- ② JJ Act
- ③ LAW (Youthful Offender)

Reason Reason

Admonition  
(शर्तना)  
360(3)

Probation

Accused  
Surety

- Place of Admpt
- Regular Occupant  
360(7)

Trial Court  
360(2)

JM-II  
360(1) proviso  
L/W 360(2)  
JM-II → JMI

Appellate  
Revision  
360(4)

⑫ ⑫④ ③⑦③  
Appl 360(6)

Trial (and)  
360(8)

Breach of condition

SET ASIDE

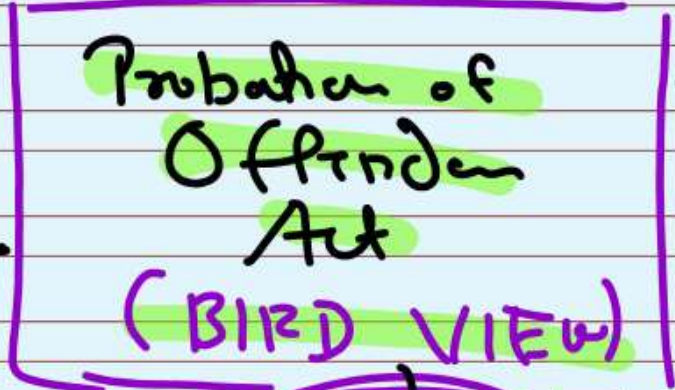
360(5):  
v Session  
v HC

Remand  
or  
Bail

360(9)



① **Accused**



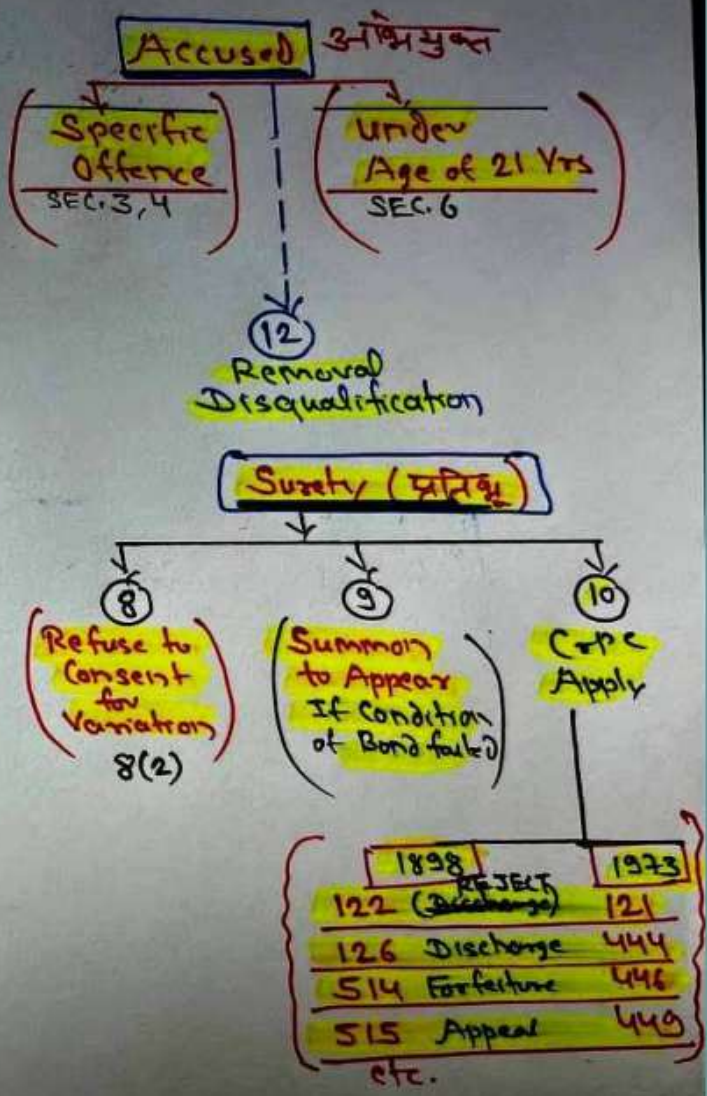
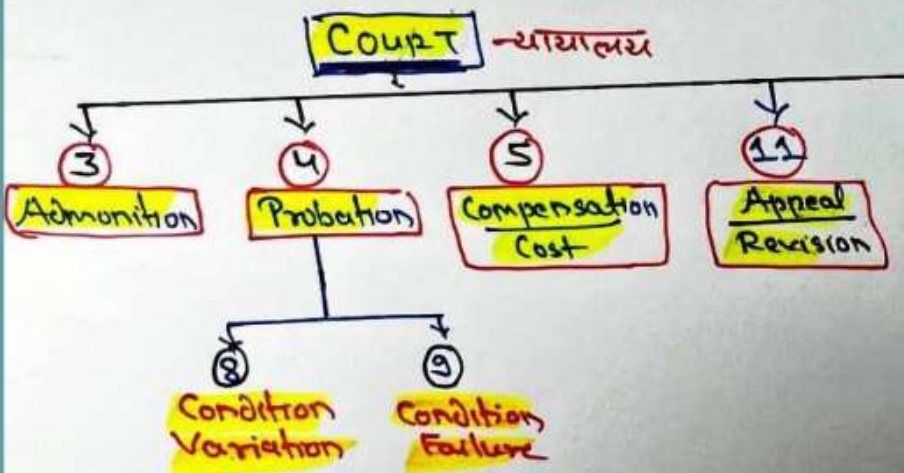
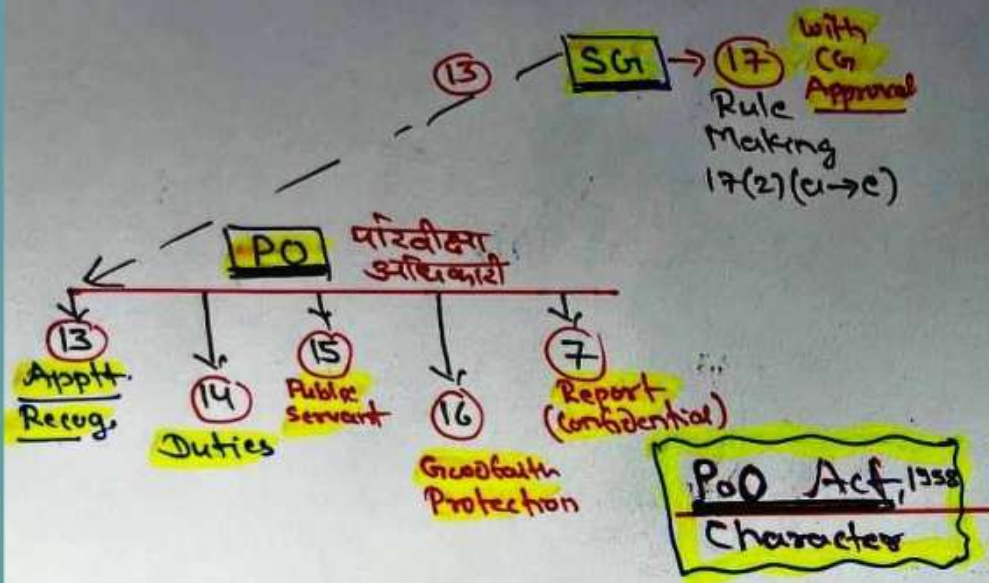
② **Surety**  
(हालिया)



Apptn.  
Duties  
Report  
etc







**Accused**

आभि युक्त

Specific Offence  
SEC. 3, 4

Under Age of 21 Yrs  
SEC. 6

Admonition Probuh

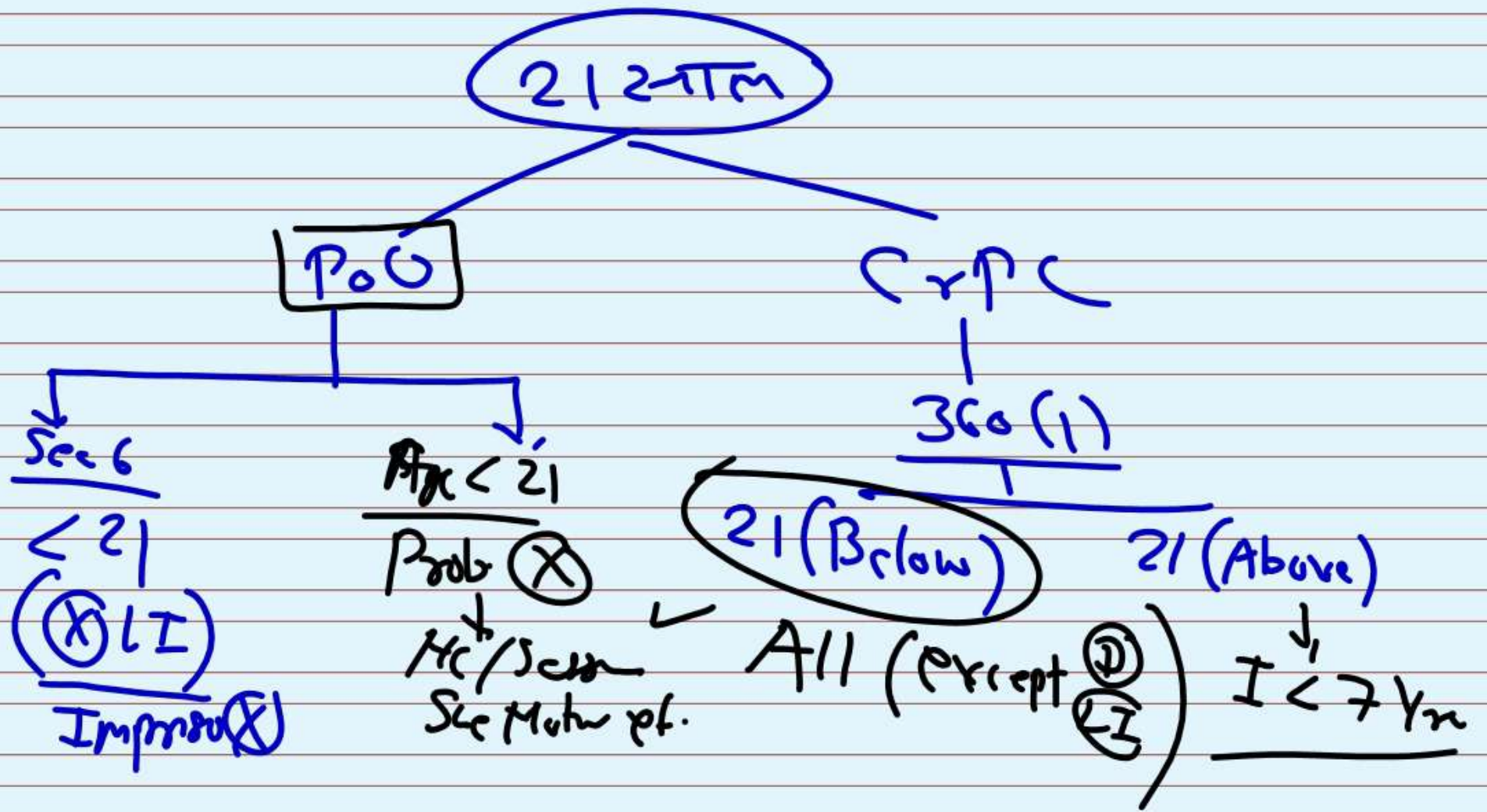
⊗ LI

360(3) : Sec 3

412

Removal Disqualification



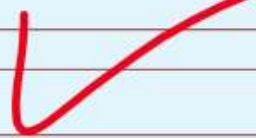




# Адмонітун



529  
386  
781



Theft  
(Horn)

(r MOP

CHEAT

I < 2

Fine



# Surety (प्रतिष्ठा)



1898		1973
122	REJECT (Discharge)	121
126	Discharge	444
514	Forfeiture	446
515	Appeal	449
etc.		

C.8 / C.33

REJECT  
Discharge  
Forfeiture  
Appeal



# Applicability

Whole  
Trio

1 (+)

18 (-)

19 (+)

Public  
Scandal  
↓  
Criminal  
Miscellaneous

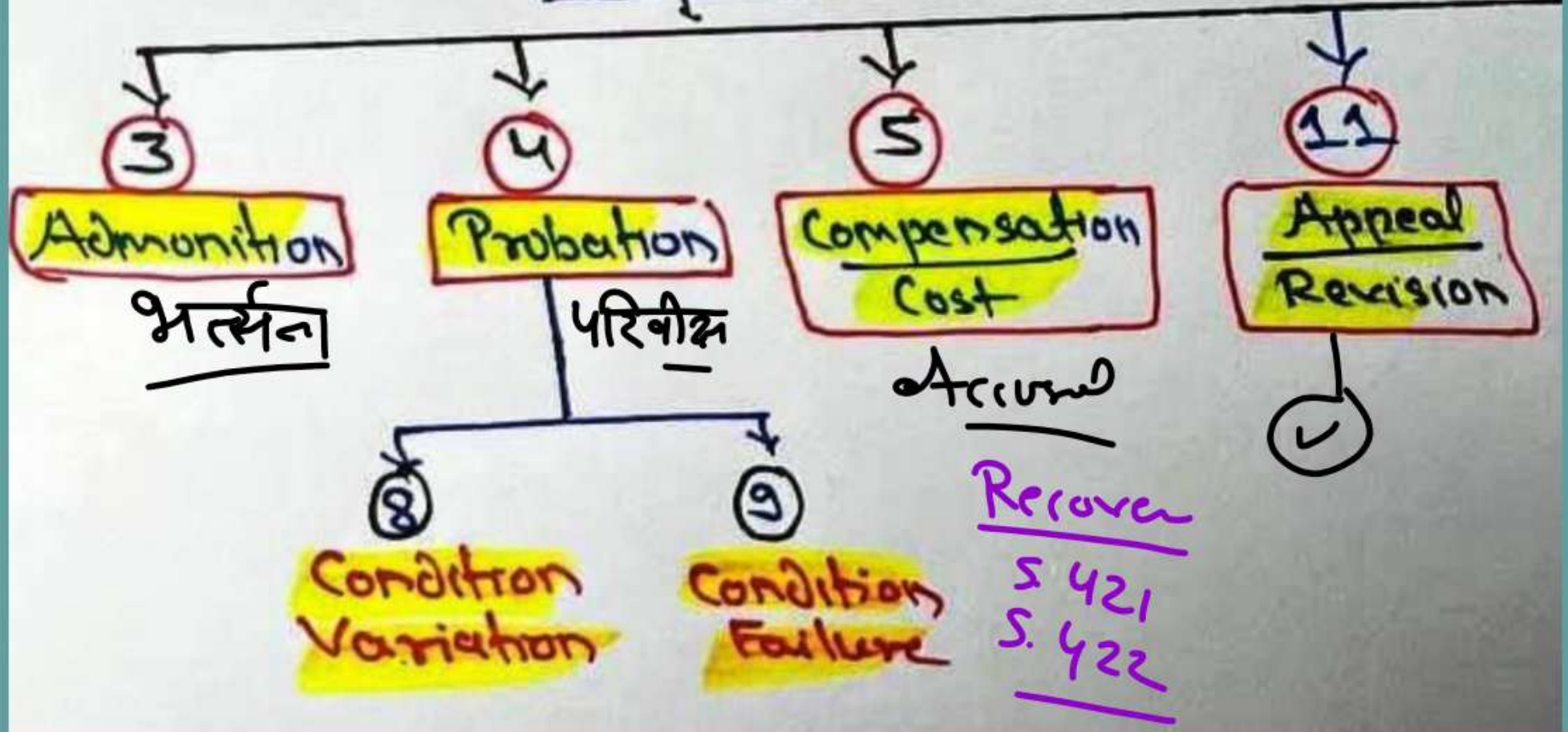
① Reformative  
School, 1897

② SEC. 5(2), PC Act 1947  
13(2) 1988

③ LAW 35  
Bastu

360  
C.M.  
X

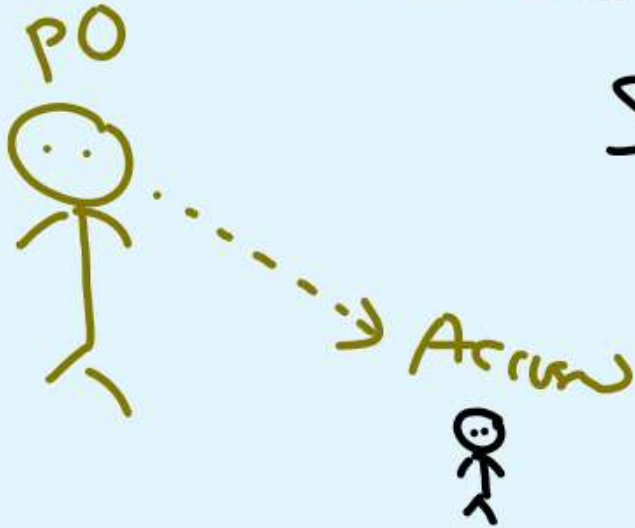
**Court** - न्यायालय





SEC. 4 (3)

Supervision Order



**Sec 4(3)**  
Supervisory  
order  
(Min. 1 रतिम)

L/w

**(Sec. 14)**

Duties

Before  
order

After  
order

a

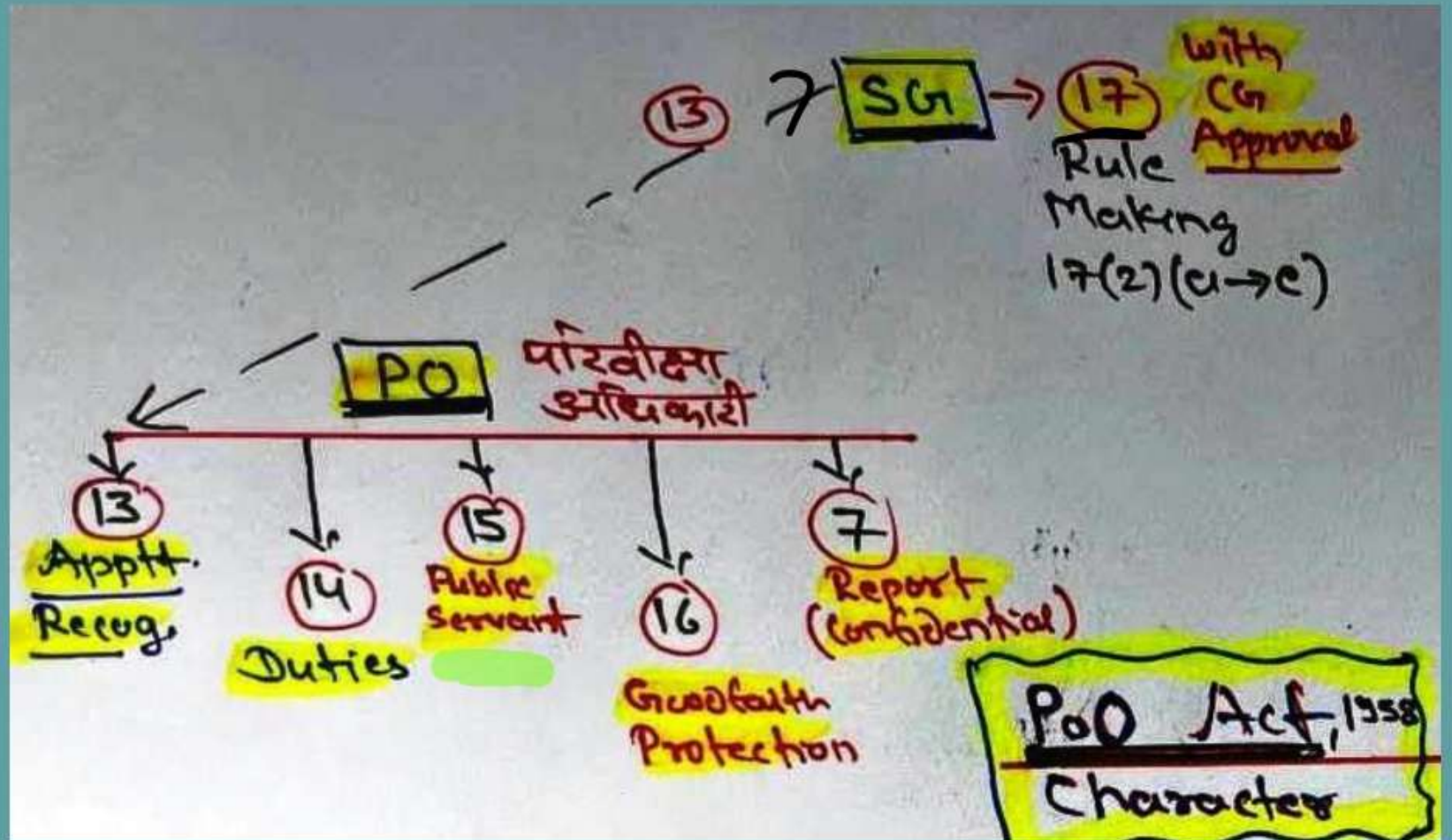
Inquiry

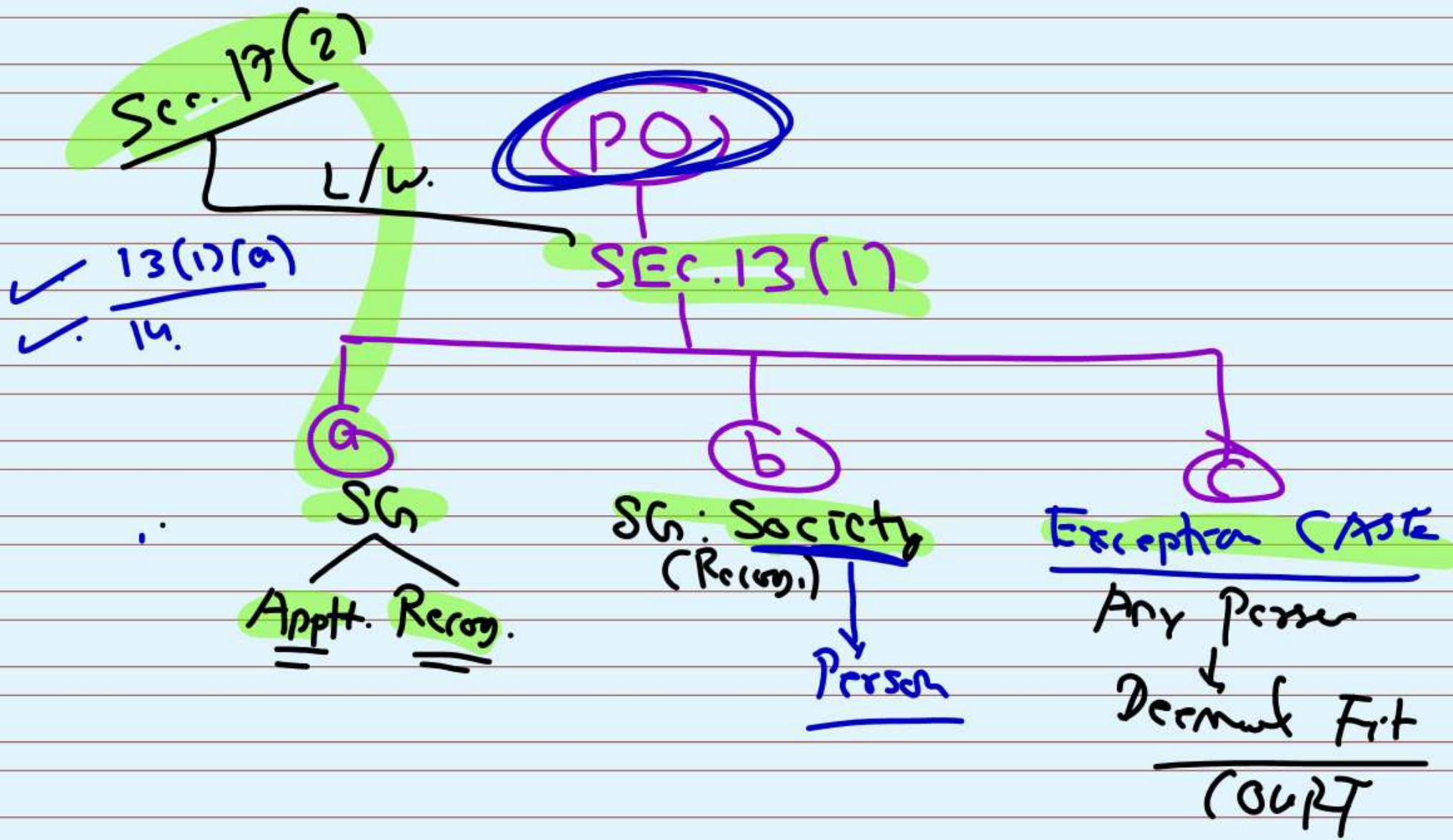
b

Supervise

- |    |        |
|----|--------|
| c. | Advice |
| d. | Assess |
| e. | Other  |

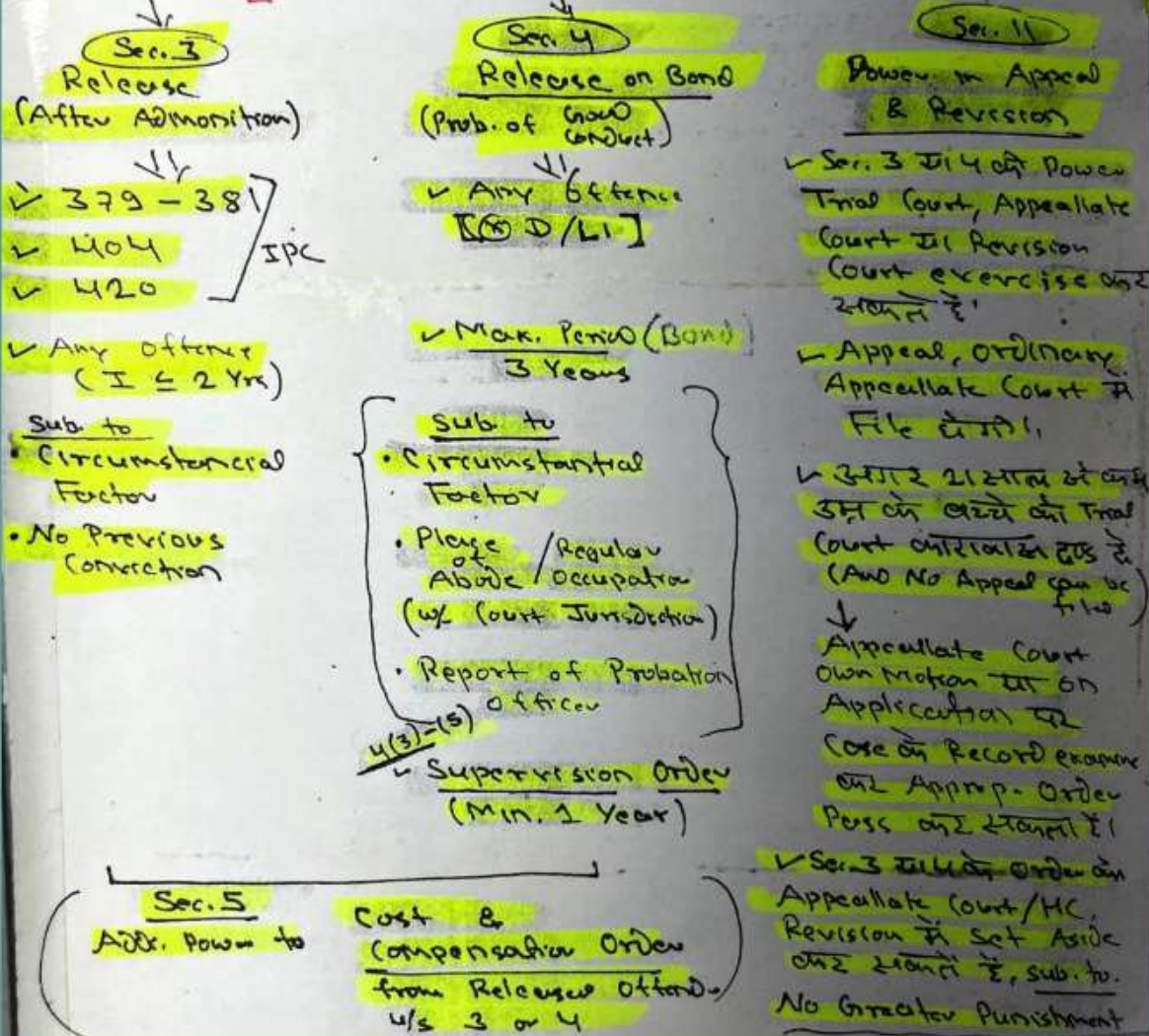






# Probation of Offenders Act - 1958 (Powers of Court)

## [Reformatory Theory of Punishment]





3) जब Probation का Benefit नहीं देना हो तब, following:-

"Keeping in view the grave nature of the offence this court does not consider the present case to be a proper one to exercise its discretion to grant the benefit of probation to accused under section 360 of CrP or Section 3, 4 and 6 of the Probation of Offender Act. This is because these type of offence of \_\_\_\_\_ and \_\_\_\_\_ leads to instability and creates fear in the society."

Hence keeping in view all the relevant facts and circumstances this court passes the following sentence:

Sr. no.	Name of Accused	Convicted U/s (IPC)	Imprisonment	Fine	Imprisonment in lieu of fine



Ans. The accused 'A' is convicted for the offence under Section 323, I.P.C.

Keeping in view the facts and circumstances of the case, age of the accused and nature of the offence and especially this fact that the accused is a first offender, I think it proper to give him benefit of probation.

Instead of sentencing the accused 'A' at once to any punishment for the offence under Section 323, I.P.C., I release him on probation, provided that the accused shall furnish a bond amounting to Rs. 2000/- with one surety of the same amount to appear and receive sentence when called upon during the period of one year, and in the meantime he shall keep the peace and be of good behaviour.

↑↑  
☞ आर Probation का Benefit दिया जाए  
तो Judgement writing का Last/  
concluding part पूरा हो जाए।

Sd/-  
Magistrate  
&

Seal of the Court.

[Section 4]







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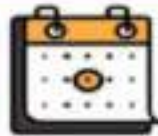
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