

(2023-2)210 PLR 582 (SC)

SUPREME COURT OF INDIA

Present: Justice Abhay S. Oka and Justice Sanjay Karol.

RAZIA KHAN – Appellant

Versus

The STATE OF M.P. – Respondent.

Criminal Appeal No.2259 of 2023(@ Special Leave Petition (Crl.) No.5823 of 2023).

(i) Criminal Procedure Code, 1973, Section 360 – Probation – Appellant indulged in the act of entering the chamber of Commissioner in the Directorate who was discharging his official duty as a public servant and used abusive language – Considering the seriousness of the offence punishable under Section 333 of the IPC and since the punishment prescribed is both of imprisonment of either description and a fine, obviously, the appellant cannot be let off only on a fine – However, for the circumstances given, we are of the view that the appellant deserves to be shown leniency when it comes to the substantive sentence. Held, we propose to bring down the sentence of the appellant for the offence punishable under Section 333 to simple imprisonment for one month with a fine of Rs. 30,000/- for the said offence.

(ii) Criminal Procedure Code, 1973, Section 360 – Probation – Only because an accused is on bail for a long time, it is no ground by itself to show leniency – It is only one of the several factors to be considered.

(iii) Criminal Procedure Code, 1973, Section 360 – Indian Penal Code, 1860, Sections 333, 353, 360 and 451 – The appellant/accused engaged in an objectionable act by entering the chamber of the Commissioner in the Directorate while the Commissioner was performing his official duties as a public servant – Appellant also verbally abused the Commissioner using offensive language – The court held that the appellant’s actions constituted offenses under Section 333 of the Indian Penal Code (IPC) for voluntarily causing grievous hurt to deter a public servant from discharging his duty, Section 353 of the IPC for using criminal force to deter a public servant from discharging his duty, and Section 451 of the IPC for committing house trespass in order to commit an offense punishable with imprisonment – Conviction upheld – Under Section 333 simple imprisonment for one month with a fine of Rs. 30,000/- imposed, Section 353 fine of Rs. 30,000/- imposed, under Section 451 fine of Rs. 25,000/- imposed.

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