



[SC] CrPC S. 360 - Probation - 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 - Leniency can not be shown. [2023 SCeJ 0234 = (2023-2)210 PLR 582 (SC)]

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(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.**

Tags: [CrPC S. 360](#), [IPC S. 333](#), [IPC S. 353](#), [IPC S. 360](#), [IPC S. 451](#), [Probation](#)