

SEM
Criminology and penology 30/04/2020

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Topic: Probation of offender

The object of criminal law is more inclined towards the reformation of the offender than to punishment. Instead of keeping an accused with hardened criminals in ~~prison~~ prison, the court can order personal freedom on promise of good behaviour and can also order a period of supervision over and offender's probation as allowing a person convicted of some minor offence (juvenile offenders) to go ^{at} large, under a suspension of sentence during good behaviour, and generally under the supervision or guardianship of a probation officer.

According to a report of United Nations -

Release of offenders on probation is a treatment device prescribed by the court for the person convicted of offence against the law, during

(9)

which probationer lives in the community and regulates his own life under conditions imposed by the court or other constituted authority and is subject to the supervision by a probation officer. The suspension of sentence under probation do dual purpose of ~~deter~~ deterrence and reformation. It provides necessary help and guidelines to probationer in his rehabilitation.

The probation of offender act 1958

is based on the concept that young offenders can be saved from becoming habitual offenders by treating ~~them~~ them amicably and providing them with a chance to reform rather than ~~them~~ in to Jail. The probation officer sees to it that the offender becomes a useful citizen of the society.

Statutory provisions Dealing with probation

Section 360 of criminal procedure code

when any person under twenty one years of age or any women is convicted of an act.

or offence not punishable with death or imprisonment for life; and no previous conviction is proved against the offender.

If it appears to the court before which he is convicted that it is necessary that the offender should be released on probation of good conduct; and the court may instead of sentencing him at once to any punishment direct that he may be released on his entering into a bond, with or without ~~so~~ sureties when called upon such during period (not exceeding three years) as court may direct and in the meantime to keep the peace and be of good ~~behaviour~~ behaviour.

Basikeshan vs State of Orissa AIR 1967.

A youth of 20 years was found guilty of an offence punishable under Section

of Indian penal code, and no previous conviction was proved against him. It was held by the court that the offence committed by the accused was not out of deliberate preparation he should be released after due admonition

- Dattatram vs state of Haryana AIR 1972 SC

The ~~obj~~ object of probation is to ensure that juvenile offenders are not sent to jail for offences which are not serious as warrant imprisonment for life. with a view to prevent them ~~to~~ from habitual offenders of the jail. offence in which probation can not be granted

State of Maharashtra vs Naturlal AIR 1980

In this case Supreme court declined to accord to the accused found guilty the benefit of probation offenders act because smuggling of gold not only affects public ~~external~~ revenue and public economy, but often escapes detection.

crime against women not provide probation