

(1992) 07 P&H CK 0016

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Sundarlal Alias Shankar Lal

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: July 31, 1992

Acts Referred:

- Penal Code, 1860 (IPC) - Section 279, 304A, 337

Citation: (1993) 1 ACC 274

Hon'ble Judges: Harphul Singh Brar, J

Bench: Single Bench

Judgement

Harphul Singh Brar, J.

The petitioner Sunder Lai alias Shankar Lal was convicted and sentenced to undergo Rigorous Imprisonment for three months u/s 279, Indian Penal Code, for a period of three months u/s 337, Indian Penal Code, and for a period of two years and to pay a fine of Rs. 250/-; in default to further undergo Rigorous Imprisonment of one month u/s 304A, Indian Penal Code, by the Chief Judicial Magistrate, Ropar, vide his judgment, dated November 16, 1991. All the substantive sentences were ordered to run concurrently.

2. The appeal filed by the petitioner before the Additional Sessions Judge, Ropar, failed. The conviction and sentences awarded by the Trial Court were affirmed by the lower appellate Court. Hence, this Revision Petition.

3. Notice in this Revision Petition was issued regarding sentence only.

4. The learned Counsel for the petitioner does not challenge the verdict of both the Courts below, but submits that the petitioner being a first offender, a youngman of 26 years only, having got a large family to support and had no ill will or enmity either with the deceased or her parents, may be released on probation of good conduct. He states at the bar that the petitioner is ready and willing to deposit

Rupees Fifteen Thousand to be paid as compensation to the next heir of the deceased. In support of his submission, he has cited Piara Lal v. State of Punjab 1990 (1) AIC L.R. 744 and Mahavir Parshad v. State of Haryana 1990 (1) Recent C.R. 499.

5. After taking into consideration the facts and circumstances of this particular case, the manner in which the accident took place, the admitted fact that the petitioner is not a previous convict, is a youngman of 26 years who has to support a large family and did not flee from the place of occurrence after the accident; rather remained present there and was arrested from there after some time when the Police reached at the spot; and that there is nothing against his character and antecedents on the record of this case, I am of the opinion that it is a fit case in which the petitioner can be released on probation of good conduct in case he deposites Rupees Fifteen Thousand to be paid as compensation to the next heir of deceased Sarbjit Kaur in the Trial Court within two months from today. In case the petitioner complies with this condition, he shall be released on probation of good conduct for a period of two years under the Probation of Offenders Act subject to his furnishing adequate surety bonds to the satisfaction of the Trial Court, undertaking to keep peace, be of good behaviour and undertake to appear in the Court as and when directed to receive sentence during the aforesaid period of probation. In case the petitioner fails to deposit the amount of compensation within the stipulated period then he shall undergo the remaining period of his sentence as directed by the Courts below.

6. The Revision Petition is disposed of in the abovesaid terms.