

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

20th DECEMBER, 2023

CRIMINAL REVISION NO. 322 of 2021

Deep Chandra Pant

.....Revisionist

Versus

State of Uttarakhand and Another

...Respondents

Counsel for the Revisionist :

Mr. Manish Lohani,
Advocate.

Counsel for the State :

Mr. M.K. Chand, AGA.

Hon'ble Alok Kumar Verma,J.

The revisionist – accused Deep Chandra Pant was convicted under Section 279 of the Indian Penal Code, 1860 (in short, “IPC”) and was sentenced to undergo rigorous imprisonment for a period of one month; he was convicted and sentenced to undergo rigorous imprisonment for a period of one year along with a fine of Rs.500/- under Section 304A IPC, and, he was further convicted and sentenced to undergo for a period of one month under Section 337 IPC. All the sentences were directed to run concurrently.

2. The revisionist had filed an Appeal (Criminal Appeal No.98 of 2019) against the said judgment dated 27.08.2019/ 28.08.2019, passed by learned Judicial Magistrate/IIInd Additional Civil Judge (Junior Division), Nainital in Criminal Case No.2460 of 2017. The said Criminal Appeal has been dismissed vide judgment

dated 23.09.2021, passed by learned IInd Additional District and Sessions Judge, Nainital.

3. Heard Mr. Manish Lohani, learned counsel for the revisionist and Mr. M.K. Chand, learned AGA for the State.

4. Learned counsel for the revisionist has requested to alter the sentence and grant benefit of probation to the revisionist under the provisions of the Probation of Offenders Act, 1958.

5. The said request has not been opposed by the State.

6. Mr. M.K. Chand, Advocate, has submitted that as per the Disability Certificate dated 21.06.2022, issued by the Medical Authority, Nainital, revisionist has forty percent permanent disability in relation to his right arm.

7. Mr. M.K. Chand, Advocate, further submitted that the wife of the revisionist is also disabled. She receives disability pension and as per the report of the District Probation Officer, Haldwani, District Nainital, conduct and behavior of the revisionist – Deep Chandra Pant have been found good.

8. After considering the facts and circumstances of this case, it seems appropriate that the sentence, imposed by the Trial Court and affirmed by the Appellate Court, should be altered and the benefit of probation should be granted to the revisionist.

9. Consequently, the revisionist – Deep Chandra Pant be released on probation on good conduct for a period of one year, on his entering into a bond of Rs.30,000/- with one surety of the like amount to appear and receive sentence when he is called during

such period. In the meantime, he is directed to keep the peace and be of good behavior. Revisionist is further directed to appear before the District Probation Officer, Haldwani, District Nainital within a week from today.

10. Registry is directed to send a certified copy of this Judgment to the District Probation Officer, Haldwani, District Nainital for necessary action.

11. The present Criminal Revision (No.322 of 2021) is disposed of accordingly.

Dated 20.12.2023
Pant/

ALOK KUMAR VERMA, J.