

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 193 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 45 OF 2016

SHRI. TUKARAM PARAB, PRESENTLY IN
SUB JAIL SADA VASCO, THR. SHRI.
SHAMBA PARAB.,

... Applicant

Versus

STATE OF GOA, THR. THE PUBLIC
PROSECUTOR AND ANR.,

... Respondents

Shri Yadnyesh Kotkar, Advocate for the Applicant.
Shri P. Faldessai, Additional Public Prosecutor for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 20th September, 2016

P.C.:

This is an application for suspension of sentence. The applicant has been convicted for the offence punishable under Section 279, 337 and 304-A of IPC and Section 134(a) & (b) of the Motor Vehicles Act. Under Section 279 & 337 IPC, the applicant has been sentenced to suffer simple imprisonment for three months while under Section 304-A of IPC he has been sentenced to suffer simple imprisonment for one year. For the offence punishable under Section 134(a) & (b), the applicant has been sentenced to undergo simple imprisonment for three months. The applicant has been directed to pay compensation of Rs.50,000/- to the wife of the deceased while Rs.25,000/- to the parents and in default of payment of the compensation to undergo

simple imprisonment for three months.

2. The judgment of conviction and sentence passed by the learned Magistrate has been confirmed in appeal.

3. The learned Counsel for the applicant points out that there are certain discrepancies in the spot panchanama and there no findings by the Trial Court about the applicant being under the influence of alcohol at the time of the accident (see para 43 of the impugned judgment). The applicant was all along on bail during the pendency of the trial.

4. In such circumstances and on hearing the learned Counsel for the applicant and the learned Additional Public Prosecutor, the following order is passed:

O R D E R

(i) The substantive sentence of imprisonment passed against the applicant is hereby suspended on the applicant furnishing a PR bond in the sum of Rs.25,000/- with one surety in the like amount.

(ii) The applicant shall deposit compensation of Rs.75,000/- before the learned Sessions Judge within a period of two weeks from today.

(iii) Bail bonds to be furnished before the learned Sessions Judge.

C. V. BHADANG, J.

NH