

CRR No. 1978 of 2016 (O/M)
Date of decision : 26.5.2016

..... Petitioner

Versus

..... Respondents

Present:- Mr. J.K. Singla, Advocate, for the petitioner.

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Impugned in the present revision is the judgment dated 4.5.2016, passed by the learned Additional Sessions Judge, Bathinda, vide which in appeal filed by the complainant against the judgment of conviction and order of sentence dated 11.4.2014, passed by the learned Judicial Magistrate 1st Class, Phul, releasing the accused on probation for offences under Sections 279, 304-A, 427 IPC, while maintaining the conviction, the order releasing the accused on probation was set aside and he was sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs. 500/-, in default thereof, to further undergo rigorous imprisonment for one month under Section 304-A IPC. He was also sentenced to undergo rigorous imprisonment for six months under Section 279 IPC. Both the sentences were ordered to run concurrently.

I have heard the learned counsel for the petitioner and have also carefully gone through the file.

So far as the conviction of the accused is concerned, it was not

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challenged by the accused by filing an appeal. The appeal was infact filed by the complainant being aggrieved by the order of the learned Judicial Magistrate 1st Class, Phul, releasing the accused on probation.

The learned counsel for the petitioner contends that the wife of the petitioner is pregnant and, therefore, he should be released on probation or in the alternative, the sentence may be reduced.

I am of the view that in this case, as a result of rash and negligent driving of Balero jeep by the present petitioner, one person has lost his life. This Court is to strike balance between the family of the deceased and the family of the accused. The fact that the deaths arising out of the motor vehicular accident are rising day-by-day. The Courts should not release the person guilty of offence under Section 304-A IPC on probation. Infact, the learned Judicial Magistrate 1st Class, Phul, erred in granting benefit of probation to the accused, which was rightly corrected by the first appellate Court. Therefore, there is no ground to interfere in the impugned judgment. Hence, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

26.5.2016
sjks