

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.230

CRR-4686-2016 (O&M)
Date of decision : 12.07.2018

Ravi Kumar Petitioner

VERSUS

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. P.S. Poonia, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

Mr. S.K. Nehra, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner has been convicted vide judgment dated 28.08.2015, rendered by the Judicial Magistrate First Class, Sunam and sentenced as under:-

Section	RI	Fine	I/D of payment of fine
279 IPC	Six months	Rs.500/-	To further undergo RI for one month
338 IPC	Two years	Rs.500/-	To further undergo RI for one month

His appeal has been rejected vide judgment dated 07.12.2016.
Hence, the present revision petition.

It appears that after the decision of the appellate Court, a compromise has been reached between the parties, which has been attested by Notary Public, Sangrur on 12.12.2016 and has been placed on record as Annexure P1. On the basis thereof, notice of motion was issued by this Court and sentence of the petitioner was suspended. The petitioner has thus, undergone total custody of eleven days.

Learned counsel for the petitioner contends that the petitioner is a first offender and compromise has already been reached between him and the complainant and thus, the petitioner may be released on probation for good conduct.

The prayer is not opposed by the counsel for the complainant.

Section 360 Code of Criminal Procedure, 1973, provides for release on probation of good conduct. It is not disputed that the petitioner is a first offender. It is also not in dispute that the complainant has been adequately compensated for the injuries sustained and that the matter has been settled between the parties. Road accidents are common place in our country.

Keeping in view the facts and circumstances of this case, I am of the opinion that the petitioner deserves leniency by not keeping him behind the bars more than the period already undergone by him and by releasing him on probation. He has already gone through the agony of protracted trial as the accident took place on 06.10.2012 and his conviction finally took place on 28.08.2015. Accordingly, findings of conviction recorded by Judicial Magistrate First Class, Sunam, vide judgment dated 28.08.2015 and as upheld by the Addl. Sessions Judge, Sangrur, vide judgment dated 07.12.2016, are affirmed. So far as order of sentence, is concerned, instead of sentencing, the petitioner-Ravi Kumar is ordered to be released on probation of good conduct for a period of one and a half years, on his entering into probation bound, undertaking therein to appear and receive sentence when called upon during that period and in the meantime to keep the peace and be of good behavior.

The petitioner shall furnish the probation bond, ibid with one surety of the like amount to the satisfaction of the Court/successor Court of the convicting Magistrate at Sunam.

With the above modification in the order of sentence, instant revision petition is dismissed.

Copy of this judgment be sent to the convicting Magistrate for compliance.

(SUDHIR MITTAL)
JUDGE

12.07.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No