

Jitendra Vs. the State of Madhya Pradesh

Jitendra Vs. the State of Madhya Pradesh

SooperKanoon Citation : sooperkanoon.com/1051916

Court : Madhya Pradesh

Decided On : Jun-24-2013

Appellant : Jitendra

Respondent : The State of Madhya Pradesh

Judgement :

Criminal Revision No ::

1028. / 2013 Jitendra versus State of Madhya Pradesh 24.06.2013.

Shri L.N.Sakle for the applicant.

Shri Akshat Namdeo, Panel Lawyer, for the State.

In this revision petition under section 397/401 of the Code of Criminal Procedure, applicant, who has been convicted for an offence under section 304-A of the IPC, challenges his imprisonment for a period of 3 months and fine of `500/-.

The conviction has been upheld by the appellate court and, therefore, the orders of the trial court and the appellate court are challenged.

Applicant was driving a Bolero Jeep on 26.4.2006, at about 1.00 in the afternoon, when it was found that due to the accident one Shri Amar Singh suffered injuries and died.

For the same, finding the applicant to have driven the Bolero Jeep in a rash and negligent manner, sentence of three months rigorous imprisonment was imposed.

Having heard learned counsel for the parties and on going through the evidence available on record, this Court does not find any ground to interfere with the order of conviction.

However, considering the fact that the incident is of the year 2006 and the applicant has already suffered by undergoing imprisonment for more than 15-20 days, interest of justice would be met in case the sentence of jail imprisonment is reduced and the fine amount substantially increased.

Keeping in view the totality of the circumstances, this petition is allowed in part.

The conviction of the applicant under section 304-A is upheld.

However, the jail sentence 2 Criminal Revision No ::

1028. / 2013 Jitendra versus State of Madhya Pradesh awarded to the applicant is reduced from 3 months rigorous imprisonment to one months rigorous imprisonment.

Applicant shall undergo the remaining part of the sentence.

The fine amount of `500/- is increased to `5,000/- (Rupees Five Thousand).which shall be paid to the family of the victim.

With the aforesaid modification, the revision petition stands allowed in part and disposed of.

Certified copy as per rules.

(RAJENDRA MENON) JUDGE Aks/-

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com