

Bijender Vs. State

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Court : Delhi

Decided On : Sep-06-2000

Reported in : I(2001)DMC17

Judge : R.S. Sodhi, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 306 and 498A

Appeal No. : Criminal Appeal No. 489 of 1999

Appellant : Bijender

Respondent : State

Advocate for Def. : M.S. Butalia, Adv.

Advocate for Pet/Ap. : P.R. Thakur, Adv

Judgement :

ORDER

R.S. Sodhi, J.

1. By this appeal the appellant seeks to challenge the judgment and order of the Additional Sessions Judge in Sessions Case No. 444/96 arising out of F.I.R. No. 204/87 under Sections 304B/498A, IPC. The learned Judge by his judgment and order dated 29.7.1999 convicted the petitioner for an offence under Sections 498A

and 306, IPC and sentenced him to undergo R.I. for four years and pay a fine of Rs. 2,500/-, in default to undergo S.I. for four months under Section 306, IPC and further to undergo R.I. for three years and pay a fine of Rs. 1,500/-, in default S.I. for three months. Both the sentences were to run concurrently. The learned Counsel for the petitioner does not challenge the conviction of the petitioner and, therefore, I uphold the conviction of the petitioner. However, on the question of sentence the learned Counsel submits that the petitioner has already undergone a period of PA years and the fine has already been paid and, therefore, craves that he be dealt with under the Probation of Offenders Act and be admitted to probation. I have heard learned Counsel for the State who has no objection to the same.

2. In the facts and circumstances of the case and after taking into consideration the various facets of the case while convicting the appellant, the sentence of imprisonment and fine as awarded to him is set aside. Having regard to the circumstances of this case including the nature of the offence and the character of the offender it is considered expedient to release him on probation of good conduct and, therefore, it is directed that he may be released for a period of 2 years on his entering into a personal bond of Rs. 10,000/- (ten thousand) with one surety of the like amount, to appear and receive sentence when called upon during such period and in the meantime, he shall keep peace and be of a good behaviour. The requisite bonds will be to the satisfaction of the Trial Court. The fine if already paid is directed to be paid as compensation to the relations of the deceased. With this the order dated 29.7.1999 of the Additional Sessions Judge in Sessions Case No. 444/96 is modified.

The appeal is disposed of accordingly.