

**Ram Kumar Vs. State of Rajasthan**

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**SooperKanoon Citation :** [sooperkanoon.com/761906](http://sooperkanoon.com/761906)

**Court :** Rajasthan

**Decided On :** Mar-05-1990

**Reported in :** 1990WLN(UC)77

**Judge :** M.B. Sharma, J.

**Appeal No. :** S.B. Cr. Revision Petition No. 234 of 1988

**Appellant :** Ram Kumar

**Respondent :** State of Rajasthan

**Disposition :** Petition allowed

**Judgement :**

**M.B. Sharma, J.**

1. The conviction of the accused petitioner Under Section 304A, IPC has been affirmed by the learned Addl. Sessions Judge No. 2, Ajmer under his judgment dated 19-11-1988, the sentence of one year's rigorous imprisonment and a fine of Rs. 200/-, in default of payment of fine to further suffer 15 days simple imprisonment have also been affirmed. The said conviction was recorded and sentence imposed on the accused person by the learned trial court under his judgment dated 4-1-1986.

2. One Mangu was run over by Truck No. RJE 8001 which the accused was driving on 1-9-1982. The courts below placed reliance on the evidence of Udai Singh PW 5 the eye witness who supported the case of the prosecution, the other two did not support and has held that the accused petitioner was the driver of the Truck and was driving the Truck rashly and negligently at the time of accident. The accused petitioner did not deny that he was driving the Truck but his case in his statement Under Section 313 Cr, PC was of bare denial. He did not examine any eye witness in defence.

3. After having heard the learned Counsel for the petitioner I find no merit in this revision petition so far as the conviction of accused petitioner Under Section 304A, IPC is concerned. But it is a case which can be dealt with Under Section 4 of the Probation of Offenders Act, 1958 and in view of 361 Cr.PC in my opinion, there are no special reasons not to deal with the case of the accused petitioner under the aforesaid beneficial provision.

4. Consequently, I hereby partly allow this revision petition. While maintaining the conviction of the accused petitioner Under Section 304A, IPC in the facts and circumstances of the case and there being no previous conviction on record against the accused petitioner, I here by direct that the accused petitioner be released on his entering into a bail bond in the sum of Rs. 5,000/- and a surety in the like amount to receive the sentence as and when called upon during one year and in the mean time be of good behaviour. Two months time is allowed to the petitioner to furnish the bonds in the trial court. The counsel for the petitioner shall inform the accused about the result of this revision petition.