

Nand Ballabh Pant

Vs

State (Union Territory of Delhi)

Criminal Appeal No. 295 of 1971

(P.N. Bhagwati, V.R. Krishna Iyer, Syed M. Fazal Ali JJ)

13.09.1976

JUDGMENT

BHAGWATI, J. -

1. We have gone through the evidence in this case and we are satisfied that there is no reason to interfere with the conviction recorded against the appellant for the offence under Section 304A of the Indian Penal Code. The sentence which has been imposed on the appellant has been progressively reduced and ultimately the appellant has been sentenced to suffer rigorous imprisonment for two months and to pay a fine of Rs. 500. We think that having regard to the special facts and circumstances of the present case, it would meet the ends of justice if the sentence of imprisonment is reduced to one month and in lieu thereof, the fine is enhanced to Rs. 1000.

2. We accordingly allow the appeal only in regard to sentence and reduce the sentence of imprisonment imposed on the appellant from two months to one month's rigorous imprisonment and in lieu thereof, enhance the sentence of fine from Rs. 500 to Rs. 1000 with a direction that in default of payment of fine, the appellant will suffer further rigorous imprisonment for one month. We are told that the appellant has already deposited a sum of Rs. 1000 in respect of the sentence of fine which had been imposed on him by the learned Judicial Magistrate who tried the case. This amount may be directed to be appropriated towards payment of the fine and it may be paid over to the lady who was the wife of the deceased at the time of his death, as and by way of compensation.

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