

Aitha Chander Rao

Vs

State of Andhra Pradesh

Criminal Appeal No. 337 of 1975

08.01.1981

ORDER

1. This appeal by special leave is directed against the judgment of the High Court of Andhra Pradesh affirming the conviction of the appellant under Section 304-A, IPC for 2 years' RI and a fine of Rs. 500. After having gone through the judgment of the courts below, we do not find any reason to interfere with the merits of the appeal. The only question that may be considered is if it is a proper case in which the appellant may be released on probation. The Sessions Judge had found that there was some amount of contributory negligence on the part of the appellant and having regard to the peculiar circumstances of this case we think it is eminently a fit case in which the appellant may be released on probation. We therefore suspend the sentence of imprisonment only maintaining the fine imposed on the appellant and instead release him on probation of good conduct under section 4 of the Probation of Offenders Act and Section 361, CrPC. The appellant shall execute a bond of Rs. 1000 for maintaining peace and good behaviour for a period of one year and if he violates any condition of the bond, he may be called upon to surrender and serve the remaining part of the sentence. Out of the fine of Rs. 500, the entire amount shall be paid as compensation to the widow and legal heirs of the deceased.

2. As the appellant has been released on probation, this may not affect his service career in view of Section 12 of the Probation of Offenders Act. The appeal is disposed of with the aforesaid observations.

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