

MCRC No. 1129 of 2021

In

CRLA No. 261 of 2012

Hon'ble Lok Pal Singh, J.

Mr. Sachin Kumar, Advocate for the applicant/appellant.

Mr. K.S. Rawal, Brief Holder for the State.

Heard.

Applicant no. 3 Mukesh Chaturvedi is seeking modification of the judgment and order dated 13.01.2021, passed in present criminal appeal whereby the said appeal was allowed partly affirming the conviction of all the appellants recorded by the trial court in respect of offence punishable under section 323, 452 of IPC. However, the sentence of imprisonment as awarded to the appellants was modified to the period already undergone by them.

Having heard learned counsel for the parties, modification application is allowed.

Since, the appellant no. 3 is in government service and this was his first offence, though the sentence has been reduced to the period already undergone, but he is also entitled to be given the benefit of First Offender Act, despite the fact that the sentence has been reduced to the period already undergone by them.

It is directed that the appellant no. 3 is entitled to get the benefit of first offenders act and he is hereby extended the said benefit. Appellant no. 3, namely, Mukesh Chaturvedi shall be released on probation for the period of one year on furnishing personal bonds and two sureties to the satisfaction of the

Magistrate concerned, subject to the condition that he shall not commit any offence and shall be of good behaviour and shall maintain peace during the period of one year. Sentence awarded to appellant no. 3 stands admonished. It is made clear that if appellant no. 3 fails to observe good conduct and behaviour during probation, the Magistrate concerned shall be at liberty to cancel the bonds calling the accused to serve out the sentence.

The fine awarded by the trial court is also exempted.

In view of the above, present criminal appeal qua appellant no. 3 stands disposed of. Modification/correction application also stands disposed of accordingly.

(Lok Pal Singh, J.)

29.01.2021

Parul