

Supreme Court of India

Jawala Ram And Anr vs State Of H.P on 28 August, 1995

Bench: K. Ramaswamy, B.L. HansariA

CASE NO. :

Appeal (crl.) 1000-1001 of 1995

PETITIONER:

JAWALA RAM AND ANR.

RESPONDENT:

STATE OF H.P.

DATE OF JUDGMENT: 28/08/1995

BENCH:

K. RAMASWAMY & B.L. HANSARIA

JUDGMENT:

JUDGMENT 1995 (3) Suppl. SCR 115 The following Order of the Court was delivered:

As directed by the Court, the Registry issued notice to the standing counsel for the state of Himachal Pradesh, but no appearance has been entered so far. Nobody has appeared also.

Leave Granted.

The appellants have been convicted under ss.451, 426 read with s.34 of the Indian Penal Code and sentenced to undergo two months imprisonment. The High Court postponed the sentence under s.4 of Probation of Offender's Act subject to filing an undertaking of good conduct. Since the appellants had not executed the under taking, the High Court dismissed the appeal. Thus, this appeal by special leave.

In view of the finding of the High Court that the appellants are entitled to Probation of Offender's Act and were directed to execute a bond, and in view of the explanation given by the appellants in the form of an affidavit filed in this Court, we accept the explanation of non-receipt of the advocate's letter. They have also filed an affidavit in this Court giving an undertaking that they would keep good conduct for a period of one year. We accept the undertaking and state that they shall remain on probation for a period of one year from today. If they keep good conduct and behaviour during this period, they shall be deemed to have served the sentence, In case they do not, the authorities would be free to take them into custody to serve the sentence imposed by the trial court and affirmed by the High Court.

The appeal is accordingly allowed.

Appeal allowed.