

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1614 OF 2007
(@SPECIAL LEAVE PEITITION (CRL.)NO.5322 OF 2007)

MOHAMAD GAYAZ

Appellant(s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

ORDER

Leave granted.

The appellant herein was convicted for the offences punishable under Sections 279, 338 and 304 A of the Indian Penal Code and Section 187 of the Motor Vehicles Act and he was sentenced to undergo simple imprisonment for a period of six months under Section 304 A and was also imposed with a fine of Rs.900 under Section 279 and Rs.900 under Section 338 and Rs.75 under Section 187 of the Motor Vehicles Act respectively. This has been confirmed by the Sessions Court in appeal and the High Court in Revision.

Heard learned counsel for the appellant.

It was argued that there was no negligence on the part of the appellant.

2

On a perusal of the evidence and records, we are not inclined to accept that contention. It was further argued that the appellant was a college student at the time of the accident and has already undergone imprisonment for a period of 3 months out of six months and has deposited the fine amount.

3

Having regard to the facts and circumstances of the case and to meet

the ends of justice, we are of the view that the sentence should be reduced to what is undergone by the appellant. However, the fine of Rs.900/- imposed under Section 279 I.P.C. is enhanced to Rs.5,000/-. The balance of fine amount, after deducting Rs.900/- already paid by the appellant, shall be deposited by the appellant before the Magistrate. The appellant shall produce the receipt of deposition of such amount before the Jail authorities. The appellant is directed to be released forthwith, if not required in any other case.

The appeal is disposed of accordingly.

.....CJI.
(K.G. BALAKRISHNAN)

.....J.
(R.V. RAVEENDRAN)

.....J.
(J.M. PANCHAL)

NEW DELHI;
28TH NOVEMBER, 2007.

4

ITEM NO.5

COURT NO.1

SECTION II

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).5322/2007

(From the judgement and order dated 08/02/2006 in CRLRP No. 1289/2003 of The HIGH COURT OF KARNATAKA AT BANGALORE)

MOHAMAD GAYAZ

Petitioner(s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

(With appln(s) for exemption from filing O.T.,bail and office report)

