

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 167 OF 2014**

**SOBAJ KHAN**

**APPELLANT(S)**

**VERSUS**

**THE STATE OF RAJASTHAN & ANR.**

**RESPONDENT(S)**

**ORDER**

1. The appellant was convicted for the charges of Sections 304A and 279 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') and directed to undergo the sentence of six months Rigorous Imprisonment (RI) with fine Rs. 500/-, in default one month RI and three months RI with fine of Rs. 300/-, in default one month RI respectively. The conviction and sentence of the appellant was maintained in appeal by Sessions Judge and the High Court as well in criminal revision.
2. On filing this appeal, application for exemption from surrendering was allowed and while issuing notice, interim direction not to surrender was issued. Complainant (respondent No. 2) was served and

represented, thereafter, the appellant was released on bail.

3. Learned counsel for the appellant has pressed this appeal only on the point of sentence subject to payment of some amount of compensation to the family of the deceased. It is urged that the settlement was arrived and some amount was paid in claim case therefore, accepting the said amount towards compensation in lieu of sentence, this appeal may be disposed of.
4. Looking to the facts of the case, in our view, the amount, if any, paid in motor accident claim case would not be sufficient to purge the sentence in a criminal case. However, at this stage, counsel for the appellant has agreed to pay further amount, if any, directed by this Court in addition to the amount already paid in claim case and requested to purge the sentence by payment of compensation in addition.
5. After hearing learned counsel for the parties, we found the date of accident was of year 1989; more than three and half decades back. The appellant is now a senior citizen and offered to pay one lakh in addition to the amount

already paid in motor accident claim case. As per Section 304A IPC, the sentence is not mandatory, therefore, by maintaining the conviction, we reduce the sentence already undergone subject to payment of compensation of Rs. 1 lakh in addition.

6. The said amount be deposited by the appellant within eight weeks from today in the trial Court which shall be immediately remitted through bank in the account of the family of the deceased with the assistance of District Legal Services Authority. In case of failure to deposit as above, the sentence as directed by the High Court shall revive and appellant shall undergo the sentence as directed.
7. With the aforesaid observations, this appeal is hereby disposed of. Pending application(s), if any, shall stand disposed of.

....., **J.**  
**[ J.K. MAHESHWARI ]**

....., **J.**  
**[ SANJAY KAROL ]**

**New Delhi;**  
**March 14, 2024.**

ITEM NO.101

COURT NO.10

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No. 167/2014

SOBAJ KHAN

Appellant(s)

VERSUS

THE STATE OF RAJASTHAN & ANR.

Respondent(s)

Date : 14-03-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI  
HON'BLE MR. JUSTICE SANJAY KAROL

For Appellant(s)

Mr. Merusagar Samantaray, AOR  
Mr. Kumar Kartikay, Adv.  
Ms. Neelu Sharma, Adv.  
Mr. Mayank Sharma, Adv.  
Ms. Purvi Goyal, Adv.  
Mr. Kartik Hooda, Adv.  
Mr. Sumit Saddi, Adv.  
Mr. E Vinay Kumar, Adv.  
Mr. Himanshu Singh Dhillon, Adv.

For Respondent(s)

Mr. Shiv Mangal Sharma, A.A.G.  
Mr. Milind Kumar, AOR  
  
Mr. Rabin Majumder, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(NIDHI AHUJA)  
AR-cum-PS

(VIRENDER SINGH)  
BRANCH OFFICER

[Signed order is placed on the file.]