
(1968) 10 DEL CK 0025
In the Delhi High Court

Chaman Lal

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 17-10-1968

Acts Referred:

Citation : (1969) CriLJ 1160

Hon'ble Judges : I.D. Dua, C.J

Bench : Single Bench

Judgement

I.D. Dua, C.J.—The accused-petitioner in this case was tried for an offence u/s 182, I.P.C., and convicted there under and sentenced by a learned Magistrate 1st Class, Delhi, to a fine of Rs. 250 or in default, to undergo simple imprisonment for two mouths.

2. On appeal, the conviction was upheld, but the sentence was reduced to a fine of Rs. 100. Imprisonment in default was maintained.

3. On revision in this Court, the conviction was not challenged, but the learned Counsel for the accused-petitioner prayed that benefit be given to his client of Section 3 of the Probation of Offenders Act 20 of 1958. Om Parkash, J. on 4.9.1968 called for a report of the Probation Officer.

4. I have gone through the report of the Probation Officer, and after considering all the relevant circumstances of the case, it appears to me an eminently fit case in which the accused should be released on probation of good conduct u/s 4 of the aforesaid Act. The counsel for the State does not contend that the accused is not governed by the said Act and it is also clear that by virtue of Section 11 thereof, this Court on revision is fully competent to make an order there under. This would seem to me to be so even if the Courts below have not considered this aspect and even if in the grounds of revision in this Court this point is not raised. This position is not contested by the State.

The accused, who is a raw youth, belongs to a respectable family and it appears that he was either over-dominated by too much of raw material in him or he was

misled by some associate or a friend of his, into making a report which has landed him into this trouble and put him in the dock in a criminal Court u/s 182, L.P.C. It is, however, hoped that the inconvenience and the ignominy entered by him in a criminal trial and action u/s 4 of the Probation of Offenders Act would make the accused-petitioner realise the depravity and the anti-social character of what he has done and would put him on his guard against repetition of such behavior which is unbecoming of a respectable Indian who is expected to be law-abiding, truthful and honest and to possess appropriate civic sense.

The Indian Republic expects not only every citizen, but everyone who sets his foot on Indian soil and breaths Indian air to imbibe these qualities and adopt a truly democratic way of life, completely gripped by the Rule of Law. Hoping that the period of probation would improve the accused and he would become a worthy citizen of India, I direct that he be released on entering into a bond of the sum of Rs. 500 with his father as surety in the like amount undertaking to appear and receive the sentence when called upon within a period of two years from today. As stated by his counsel, his father has to stand surety and the bonds should be executed by both to the satisfaction of the Registrar of this Court within two weeks from today. The order of the Court below is modified as just stated.

5. I have no doubt that the father of the accused, both as father and surety, would appropriately watch and guide his son on the right democratic lines so as to make him a good disciplined citizen. I should like incidentally to point out that Indian parents and teachers have, at the present developing stage of our constitutional Setup, a special responsibility in instructing and training their children, wards and students on the right lines so that they may imbibe the true spirit of the Rule of Law in their day-to-day life and develop a civic sense worthy of India's ancient traditions and of the egalitarian standards enshrined in our Constitution.