

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Appeal No. 171/1996

Rang Lal S/o Khana Gurjar, R/o Katunda, Tehsil Begu, Distt.
Chittorgarh [Lodged at District Jail, Pratapgarh]

----Appellant

Versus

The State of Rajasthan

----Respondent

For Appellant(s)	:	Mr. Pravin Vyas with Mr. Harshvardhan Singh
For Respondent(s)	:	Mr. Deepak Choudhary, GA cum AAG with Mr. Kuldeep Singh Kumpawat

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Judgment

16/07/2025

By way of filing the instant criminal appeal, a challenge has been made to the order dated 29.02.1996 passed by the learned District & Sessions Judge, Pratapgarh, Chittorgarh, in Session Case No.181/1994 whereby the learned trial court convicted and sentenced the appellant for 4 years' RI and a fine amount of Rs.5,000/- and in default of payment of fine, he was further sentenced to undergo 3 months' SI for the offences punishable under Sections 307 and 325/323 of IPC.

The period spent in judicial custody shall be adjusted in the original imprisonment.

Briefly stated, the facts of the case are that, on 26.07.1992, Kanhaiya Lal submitted a written report at the concerned Police Station alleging that the appellant assaulted his brother Pyar Chand with a *lathi* while he was sitting at a bus stop with his children waiting for a bus. Kanhaiya Lal also stated that he got the information of assault from one

Bashir and upon receiving this information, he went to the place of incident where he found his brother lying injured. Subsequently, Kanhaiya Lal went to the police to register a complaint.

On the basis of said report, the police registered a case under Sections 341 and 323 IPC against appellant and commenced the investigation. During the course of investigation, offence under Section 307 of IPC was added and subsequently, the trial court framed charges against the appellant for the offences under Sections 307, 341 and 325/323 of IPC. During the course of trial, the prosecution examined as many as 08 witnesses and submitted certain documents in support of their case. The accused-appellant was examined under Section 313 Cr.P.C., in which he denied the allegations against him and claimed trial. In defence, two witnesses were examined.

The learned trial court after hearing the final arguments of both sides, acquitted the appellant for the offence under Section 341 and convicted and sentenced the appellant for the offence under Sections 307 and 325/323 of IPC vide judgment dated 29.02.1996. The learned trial court also ordered the appellant to pay a fine of Rs.4,000/- as compensation under Section 357(1) Cr.P.C. to injured Pyar Chand. Hence, this appeal.

Learned counsel Mr. Pravin Vyas, representing the appellant, at the outset submits that he does not dispute the finding of guilt and the judgment of conviction passed by the learned courts below, but at the same time, he implores that the incident took place in the year 1992. The accused-appellant had remained in judicial custody for about 15 days. No other case has been reported against him. He hails from a very poor family and belongs to the weaker section of the society. The

accused-appellant has languished in jail for some time, therefore, a lenient view may be taken in reducing his sentence.

Learned AAG though opposed the submissions made on behalf of the appellant but does not refute the fact that the appellant has remained behind the bars for about 15 days and except the present one, no other case has been registered against him.

Since the revision petition against conviction is not pressed and after perusing the material, nothing is noticed which requires interference in the finding of guilt reached by learned trial court, this court does not wish to interfere in the judgment of conviction. Accordingly, the judgment of conviction is maintained.

As far as the question of sentence is concerned, the appellant remained in jail for some time. Thus, in the light of the judgments passed by the Hon'ble Supreme Court in the cases of **Haripada Das Vs. State of West Bengal** reported in **(1998) 9 SCC 678** and **Alister Anthony Pareira vs. State of Maharashtra** reported in **2012 2 SCC 648** and considering the circumstances of the case, age of the appellant, his status in the society and the fact that the case is pending since long time for which the appellant has suffered some time incarceration and the maximum sentence imposed upon him is four years as well as the fact that he faced financial hardship and had to go through mental agony, this court deems it appropriate to reduce the sentence to the term of imprisonment that the appellant has already undergone till date.

Accordingly, the judgment of conviction dated 29.02.1996 passed by the learned District & Sessions Judge, Pratapgarh, Chittorgarh, in Session Case No.181/1994 is affirmed but the quantum of sentence awarded by the learned trial court is modified to the extent that the

sentence he has undergone till date would be sufficient and justifiable to serve the interest of justice. The fine amount imposed by the trial court is hereby maintained. The amount of fine imposed by the trial court, if not already deposited by the petitioner, then two months' time is granted to the petitioner to deposit the fine amount before the trial court. In default of payment of fine, the petitioner shall undergo one month's simple imprisonment. The appellant is on bail. He need not surrender. His bail bonds are cancelled.

The criminal appeal is allowed in part.

Pending applications, if any, are disposed of.

Record of the court below be sent back.

(MANOJ KUMAR GARG),J