

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Revision Petition No. 652/2008

Sultan Giri S/o Basti Giri, B/c Gusaie, R/o Village Purabsar, Tehsil
Rawtsar, District Hanumangarh.

-----Petitioner

Versus

State of Rajasthan

-----Respondent

For Petitioner(s)	:	Mr. Sunil Vyas
For Respondent(s)	:	Mr. Deepak Choudhary, AAG assisted by Mr. KS Kumpawat

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Judgment

16/07/2025

Instant revision petition has been filed by the petitioner against judgment and order dated 29.03.2008 passed by the learned Additional Sessions Judge (Fast Track), No.2, Hanumangarh Camp at Nohar, in Cr. Appeal No.179/2007 (40/2006) whereby, the learned appellate court dismissed the appeal qua the petitioner and affirmed the judgment and order dated 07.06.2006, passed by the learned Judicial Magistrate, First Class, Rawatsar in Cr. Case No.160/2002, whereby the learned trial court while convicting the petitioner for offences under Sections 323, 341/34 IPC, gave him benefit of Probation under Section 3 of Probation of Offenders Act.

Briefly stated, the prosecution case as set up is that on 11.07.2002, at PHC, Rawatsar injured Jagdishgir gave *parcha bayan* to the Police to the effect that accused persons including

the petitioner came and assaulted him and his family members with deadly weapons. On the basis of the said *parcha bayan*, Police registered a case and started investigation. After thorough investigation, Police filed charge-sheet under Sections 341, 323, 324, 325/34 IPC. Thereafter, the trial court framed charges against the accused persons including the petitioner, who pleaded not guilty and claimed trial.

During the course of trial, the prosecution examined as many as ten witnesses in support of its case and exhibited certain documents. Thereafter, statements of the accused persons including the petitioner were recorded under section 313 Cr.P.C. In defence, three witnesses were examined and certain documents were exhibited.

Upon conclusion of the trial, the learned trial court vide impugned judgment dated 07.06.2006 acquitted the petitioner from offence under Sections 324, 325/34 IPC and convicted total four accused persons including the present petitioner for offences under Sections 323, 341/34 IPC and gave them benefit of Probation under Section 3 of Probation of Offenders Act.

Being aggrieved by their conviction, all the four accused persons including the petitioner preferred an appeal before the learned appellate court, which came to be dismissed vide judgment dated 29.03.2008 only qua the present petitioner. Hence, this revision petition.

Learned counsel for the petitioner has argued that the courts below have committed grave error in convicting the petitioner for

aforesaid offences as the prosecution has failed to prove its case beyond all reasonable doubt. Counsel submits that there are material contradictions, omissions & improvements in the statements of the prosecution witnesses and the prosecution did not produce any independent witness of the incident. Thus, it is prayed that the impugned judgments passed by the courts below may be quashed and set aside.

Learned Public Prosecutor has vehemently opposed the prayer made by learned counsel for the petitioner and submitted that learned courts below have rightly convicted the accused-petitioner for aforesaid offences. Thus, the impugned judgments do not warrant any interference.

I have considered the submissions of the counsel for the parties and perused the impugned judgments passed by this Courts below and gone through the record of the case.

On perusal of the impugned judgments of the courts below as well as record of the case, it appears that while passing the impugned judgments, the learned courts below have considered each and every aspect of the matter and also considered the evidence produced before them in right perspective. The prosecution has proved its case beyond all reasonable doubts against the petitioner before the courts below and thus the learned courts below have rightly convicted the accused-petitioner for the aforesaid offences. The judgments passed by the courts below are detailed and reasoned order and thus, this court is not inclined to interfere in the concurrent findings given by the courts below.

In the light of aforesaid discussion, the petitioner has failed to show any error of law or on facts on the basis of which interference can be made by this Court in the impugned judgments under challenge.

Accordingly, the revision petition is hereby dismissed.

Record of the courts below be sent back forthwith.

(MANOJ KUMAR GARG),J