

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

S.B. Criminal Revision Petition No. 750/2008

Raj Kapoor S/o Bhopal Singh R/o Sherpura PS Chirawa District
Jhunjhunu

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s)	:	Dr. R.D.S.S. Kharlia
For Respondent(s)	:	Mr. N.S. Chandawat, Dy..A.

HON'BLE MR. JUSTICE FARJAND ALI

ORDER

DATE OF CONCLUSION OF ARGUMENTS	07/04/2026
DATE ON WHICH ORDER IS RESERVED	07/04/2026
FULL JUDGMENT OR OPERATIVE PART	Full Order
DATE OF PRONOUNCEMENT	05/05/2026

BY THE COURT:-

1. The instant criminal revision petition has been preferred by the accused-petitioner laying challenge to the finding of guilt recorded on 14.11.2006 by the learned ACJM, Sangaria, District Hanumangarh, in Criminal Regular Case No.122/1995, as also to the judgment dated 17.07.2008 passed by the learned Additional Sessions Judge, Sangaria in Criminal Appeal No.51/2006 preferred by the petitioner came to be dismissed and the judgment of conviction and order of sentence passed by the trial Court stood affirmed.

2. I have heard learned counsel for the parties at length and have carefully perused the entire record, including the impugned judgments passed by both the Courts below.

3. At the outset, it deserves to be noticed that the present matter involves concurrent findings of fact recorded by two competent Courts upon due appreciation of oral as well as documentary evidence. The revisional jurisdiction of this Court is inherently limited and is not intended to function as a second appellate forum. Interference is warranted only where the findings suffer from patent illegality, manifest perversity, material irregularity, or have resulted in miscarriage of justice.

4. The prosecution case, in brief, emanates from a written report (Exhibit P/4), wherein it was alleged that the petitioner had procured and utilized a certificate falsely representing himself as the son of a Government employee. On the basis of such representation, he secured admission in an educational institution by claiming a benefit to which he was not legally entitled.

5. The gravamen of the allegation is that the petitioner's father was neither a Government employee nor did the petitioner qualify as a dependent of any deceased Government servant so as to fall within the eligible category. The certificate relied upon was, therefore, asserted to be forged and fabricated, and knowingly used as genuine for securing admission.

6. The evidence brought on record substantiates the prosecution case. The document in question has been duly proved to be false in character, and its conscious use by the petitioner stands

established. Both the Courts below, upon meticulous appraisal of the material available, have concurrently recorded findings of guilt against the petitioner.

7. Upon independent examination within the permissible confines of revisional jurisdiction, this Court finds that the conclusions arrived at by the Courts below are well-reasoned, legally sustainable, and based on proper appreciation of evidence. No perversity, illegality, or jurisdictional error is discernible. Accordingly, the conviction recorded against the petitioner calls for no interference and is hereby affirmed. However, while examining the question of sentence, certain mitigating circumstances warrant due consideration.

8. The incident pertains to the year 1994. The petitioner has remained under the shadow of criminal proceedings for an inordinately long period, spanning nearly eighteen years. Such prolonged pendency, accompanied by the attendant mental strain and uncertainty, itself assumes the character of a punitive factor.

9. It is not the case of the prosecution that the petitioner has indulged in any subsequent criminal activity. On the contrary, the record indicates that this incident represents a solitary lapse. At the time of occurrence, the petitioner was of young age and had no prior criminal antecedents. He remained on bail throughout the course of trial and appeal and did not misuse the liberty granted to him.

10. The circumstances further indicate that the act in question, though legally culpable, does not reflect a pattern of entrenched

criminality. Rather, it appears to be an isolated act, and over the passage of time, the petitioner has reintegrated into society as a law-abiding individual.

11. In such circumstances, the reformatory theory of punishment assumes significance. The object of sentencing is not merely punitive but also corrective. Where the offender demonstrates reformation and the likelihood of recidivism is minimal, continued incarceration would serve no meaningful purpose.

12. The principles enunciated in ***Haripada Das v. State of West Bengal [(1998) 9 SCC 678]*** and ***Alister Anthony Pereira v. State of Maharashtra [(2012) 2 SCC 648]*** reinforce the proposition that sentencing must be proportionate and responsive to mitigating factors, including delay, antecedents, and subsequent conduct.

13. In the totality of circumstances, and balancing the gravity of the offence with the mitigating factors noted above, this Court is of the considered opinion that the ends of justice would be adequately met by reducing the substantive sentence to the period already undergone by the petitioner, while maintaining the conviction.

14. Accordingly, the criminal revision petition stands partly allowed in the following terms:

(i) The judgment of conviction passed by the learned 14.11.2006 by the learned ACJM, Sangaria, District Hanumangarh, in Criminal Regular Case No.122/1995, and affirmed by the learned learned Additional Sessions Judge, Sangaria in Criminal Appeal

No.51/2006 vide judgment dated 17.07.2008 is hereby maintained.

(ii) The order of sentence is modified to the extent that the substantive sentence awarded to the petitioner shall stand reduced to the period already undergone by him.

(iii) Since the petitioner is stated to be on bail, he is not required to surrender. His bail bonds stand discharged.

11. The record of the Courts below be remitted back forthwith along with a copy of this order for information and compliance.

(FARJAND ALI),J

65-Mamta/-