

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

S.B. Criminal Revision Petition No. 568/2004

1. Banna Ram S/o Moola Ram, Resident of Kohina, Tehsil Taranagar, District Churu, Rajasthan.
2. Lal Chand S/o Naurang Ram, Resident of Kohina, Tehsil Taranagar, District Churu, Rajasthan.
3. Nand Ram S/o Naurang Ram, Resident of Kohina, Tehsil Taranagar, District Churu, Rajasthan.
4. Ami Lal S/o Mala Ram, Resident of Kohina, Tehsil Taranagar, District Churu, Rajasthan.
5. Pokar Ram S/o Mala Ram, Resident of Kohina, Tehsil Taranagar, District Churu, Rajasthan.

----Petitioner

Versus

State of Rajasthan, through PP

----Respondent

For Petitioner(s)	:	Mr. Shailendra Gwala
For Respondent(s)	:	Mr. Deepak Choudhary, GA-cum-AAAG Mr. K.S. Kumpawat, AAAG

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

16/07/2025

1. Instant revision petition has been filed by the petitioners against the judgment dated 19.08.2004 passed in Cr. Appeal No.23/2004 by learned Sessions Judge, Churu, by which the appellate court dismissed the petitioners' appeal and upheld the judgment dated 20.05.2004 passed in Original Cr. Case No.144/1995 by learned Chief Judicial Magistrate, Churu, by which the learned trial court convicted the petitioners for the offence punishable under Section 420 of IPC and sentenced each of them to Simple Imprisonment of one year along with a fine of Rs.300/-

each and in default of payment of fine, further to undergo three months' Simple Imprisonment.

2. Brief facts of the case are that on 07.09.1992, the complainant Submitted a written report at Police Station Kotwali Churu, to the effect that the accused-petitioners cheated him in the name of selling a property. Despite receiving the payment, they failed to register the said land in his name. On the said report, an FIR was registered and after usual investigation, charge-sheet came to be submitted against the petitioners in the Court concerned.

3. Thereafter, the trial court framed the charges against the petitioners for offence under Section 420 & 120-B IPC, who pleaded not guilty and claimed trial.

4. During the course of trial, the prosecution examined as many as 11 witnesses in support of its case and exhibited various documents. Thereafter, statements of the accused-petitioners under section 313 Cr.P.C were recorded. In defence, one witness was examined and exhibited some documents.

5. Upon conclusion of the trial, the learned trial court vide impugned judgment dated 20.05.2004 convicted and sentenced the accused-petitioners for offence under Section 420 of IPC.

6. Being aggrieved by their conviction and sentence, the petitioners preferred an appeal before the learned appellate court, which came to be dismissed vide judgment dated 19.08.2004. Hence, this revision petition.

7. Learned Additional Advocate General has submitted a report dated 15.07.2025 received from the Police Station Kotwali, Churu

informing that the Petitioner No.1 Banna Ram has expired. The said report is hereby taken on record.

8. Since the petitioner No.1 has expired, therefore, the present criminal revision petition qua petitioner No.1 Banna Ram is hereby dismissed as abated.

9. So far as the petitioner Nos.2 to 5 are concerned, at the threshold, learned counsel submits that he does not challenge the finding of conviction but since the occurrence is related to the year 1992 and out of total sentence of 1 year's S.I., the accused petitioners Nos.2 to 5 have already served about 15 days of imprisonment, therefore, it is prayed that the sentence awarded to the petitioner Nos.2 to 5 for the aforesaid offence may be reduced to the period already undergone by them.

10. On the other hand, learned AAG opposed the submissions made by the learned counsel for the accused-petitioners and submitted that there is neither any occasion to interfere with the sentence awarded to the accused petitioners nor any compassion or sympathy is called for in the said case.

11. I have perused the evidence of the prosecution as well as defence and the judgment passed by the courts below regarding conviction of the accused-petitioners.

12. Undisputedly, the incident relates back to the year 1992 and the petitioner Nos.2 to 5 have so far undergone a period of about 15 days in custody out of one year's of total sentence, so also suffered the agony and trauma of protracted trial. Thus, looking to the over-all circumstances and the fact that the petitioner Nos.2 to 5 have remained behind the bars for some time, it will be just and proper, if the sentence awarded by the trial court and upheld by

the appellate court for offence under Sections 420 of IPC is reduced to the period already undergone by the petitioner Nos.2 to 5.

13. Accordingly, the revision petition is partly allowed. While maintaining the conviction of the petitioner Nos.2 to 5 for offence under Section 420 of IPC, the sentence awarded to them for the aforesaid offences is hereby reduced to the period already undergone. The fine imposed by the trial court is hereby waived, if not already deposited. The petitioner Nos.2 to 5 are on bail. They need not surrender. Their bail bonds are discharged. Pending applications, if any, shall stand disposed of.

14. The record of trial Court as well as the appellate court be sent back forthwith.

(MANOJ KUMAR GARG),J

2-GKaviya/-