

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

S.B. Criminal Revision Petition No. 502/2009

Chagan Lal S/o Udai Ram, B/c Aheer, R/o Jojaro Ka Khera, PS
Gangrar, District Chittorgarh.

-----Petitioner

Versus

1. State of Rajasthan through PP
2. Suresh S/o Udai Ram
3. Madan S/o Udai Ram
4. Narayan S/o Tulsi Ram
5. Smt. Tulsi W/o Kishan Lal,
6. Smt. Aanki W/o Udai Ram,
7. Smt. Tulchi W/o Nanda,
8. Smt. Harju W/o Madan Lal,
9. Udai Ram S/o Pratap,
10. Smt. Ratni W/o Suresh Kumar,
11. Kishan Lal S/o Udai Ram,
12. Chunni Lal S/o Tulchi Ram,
All B/c Aheer, R/o Jojaro Ka Khera, PS Gangrar, District
Chittorgarh.

-----Respondents

For Petitioner(s)	:	Mr. Ravindra Singh
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/injured against the judgment and order dated 28.01.2009, passed by learned Additional District & Session Judge (Fast Track), Chittorgarh in Session Case No.15/2007 whereby the learned trial court acquitted the respondent Nos.2 to 12 from offences under Sections 307, 307/149 IPC and while convicting

them for offence under Sections 148, 323/149, 325/149 IPC, gave benefit of probation under Section 4 of the Probation of Offenders Act.

Briefly stated, the prosecution case as set up is that on 26.02.2006, complainant Sitaram gave a written report to the Police at Mahatma Gandhi Hospital, Bhilwara to the effect that the accused-respondent Nos.2 to 12 assaulted him and the present petitioner/injured and other injured persons with deadly weapons. On the basis of the said report, Police registered a case against the accused-respondents and started investigation.

On completion of investigation, the police filed challan against the accused-respondents. Thereafter, the trial court framed charges against the accused respondents, who pleaded not guilty and claimed trial.

During the course of trial, the prosecution examined as many as 19 witnesses in support of its case and exhibited certain documents. Thereafter, statements of the accused respondents were recorded under section 313 Cr.P.C. In defence, the accused-respondents examined two witnesses.

Upon conclusion of the trial, the learned trial court vide impugned judgment dated 28.01.2009 acquitted the accused-respondents from offences under Sections 307, 307/149 IPC and while convicting them for offences under Sections 148, 323/149, 325/149 IPC, gave them the benefit of probation under Section 4 of the Probation of Offenders Act. Hence, this revision petition on behalf of the injured/petitioner.

Learned counsel for the petitioner argued that learned trial court has committed grave error in acquitting the accused-

respondents from offences under Sections 307, 307/149 IPC and in granting benefit of probation to them for offences under Sections 148, 323/149, 325/149 IPC, despite the fact that the prosecution has proved its case beyond all reasonable doubts. Counsel further submits that there is ample evidence available on record against the accused-respondents for commission of alleged offence. Yet, the trial court did not consider these aspects of the matter and acquitted the accused respondents from offences under Sections 307, 307/149 IPC. Further, despite conviction under Sections 148, 323/149, 325/149 IPC, the learned trial court gave benefit of probation under Section 4 of the Act to the accused-respondents, which is per se illegal. Thus, it is prayed that the impugned judgment may be quashed to the extent of acquitting the accused-respondents from offences under Sections 307, 307/149 IPC and to the extent of giving benefit of probation to the accused-respondents for offences under Sections 148, 323/149, 325/149 IPC.

I have considered the submissions of the learned counsel for the petitioner and perused the impugned judgment of the trial court and also gone through the entire record.

On perusal of the impugned judgment, it appears that the prosecution has failed to produce any evidence against the accused-respondents in respect of the commission of offences under Sections 307, 307/149 IPC. While passing the impugned order, learned trial court has considered each and every aspect of the matter and thus, the trial court has rightly acquitted the accused-respondents from offences under Section 307, 307/149 IPC.

So far as the benefit of probation extended to the accused-respondents for the offences under Sections 148, 323/149, 325/149 IPC is concerned, the learned trial court has held that the accused-respondents have been facing trial since long and this was their first offence and the accused-respondents are villagers and illiterate persons and most of the accused are women. Taking into consideration the overall facts and circumstances of the case, this Court is of the opinion that the learned trial court has rightly extended the benefit of Probation under Section 4 of the Act to the accused-respondents for the offences under Sections 148, 323/149, 325/149 IPC. Thus, there is no illegality and perversity in the impugned judgment and the same is just and proper.

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 judgment under challenge.

Accordingly, the revision petition is hereby dismissed.

Record of the court below be sent back forthwith.

(MANOJ KUMAR GARG),J