

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

S.B. Criminal Revision Petition No. 361/2009

Amba Lal S/o Shri Suva Lal Ji, aged about 42 years, resident of
Shiv Nagar, Tehsil Hurda, District Bhilwara (Raj.)

-----Petitioner

Versus

The State of Rajasthan.

-----Respondent

For Petitioner(s)	:	Mr. Chaitanya Gehlot Ms. Vandana Prajapati
For Respondent(s)	:	Mr. NS Chandawat, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

24/04/2026

1. The petitioner was tried for committing an offence of criminal trespass and after a rigorous trial, he was convicted for committing an offence under Section 448 of IPC. Looking to the term of sentence, the circumstances of the case, the penury of the petitioner, his social, economic and financial background and adopting a reformatory approach, the learned trial Court opt to extend the benefit of Section 4 of Probation of Offenders Act to him instead of sentencing him at once. The judgment of conviction and order of sentence was assailed by the petitioner by way of filing an appeal and where both legal and factual aspects were made to re-appreciation and thereafter, vide the judgment dated 15.01.2009, the appeal has been dismissed by concurring the finding of the learned trial Court.

2. After going through both the judgments of the Courts below, this Court feels that no error has been committed by the learned

trial Court in convicting the petitioner. There was ample evidence on record to establish the fact that the petitioner had occupied the Government land and unloaded hay/grass there and whereafter the area had been locked up. Neither he was having any lawful authority to have possession over the area nor he was able to show his lawful authority of doing so. The land was a Government land. A preliminary inquiry was conducted by the Naib Tehsildar. There is a concurrency of two Courts below in finding. No case is made out for interference in revisional jurisdiction. The petitioner has not been able to show any patent illegality or incorrectness in the impugned judgment. The instant revision petition is devoid of force.

3. Accordingly, the instant revision petition is dismissed.
4. Record be sent back.
5. If the petitioner is a public servant, it is made clear that the benefit of probation given to him shall not put any impact on his service career. The umbrella of Section 12 of Probation of Offender Act would provide cover to him.

(FARJAND ALI),J