

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

S.B. Criminal Revision Petition No. 303/2026

Thavra S/o Shri Dhanji, Aged About 53 Years, R/o Dedli, Police Station Bicchiwada, District Dungarpur. (Presently Lodged In District Jail Dungarpur)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Bhagwana Ram Ms. Vishakha Pareek
For Respondent(s)	:	Mr. Shri Ram Choudhary, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

25/02/2026

1. By way of filing the instant Criminal Revision Petition challenge has been made to the judgment dated 19.02.2026 passed by the learned Sessions Judge, Dungarpur in Criminal appeal No.16/2022, whereby the learned appellate court affirmed the judgment of conviction and order of sentence dated 15.03.2022 passed by learned Additional Chief Judicial Magistrate, Dungarpur in Regular Criminal Case No.742/2017; whereby the petitioner has been convicted for the offences under Sections 19/54 and 14/57 of the Rajasthan Excise Act and for each count he has been sentenced to suffer simple imprisonment of 3 years' alongwith a fine of Rs.20,000/- with default sentence of three months' simple imprisonment.

2. Briefly stated, the facts of the case are that 15.06.2016, Excise Inspector Mr. Saiyad Basarat Ali alongwith other officials were patrolling at Sagwara-Dungarpur, during which, they

received an information that the present petitioner was selling liquor without any valid license or permit. Upon which, they went to house of the petitioner and upon search being conducted, huge quantity of country made liquor was found. When the accused failed to furnish any explanation or licence, the aforesaid liquor was seized and an FIR No.12/2016 for the offence under Sections 19/54 and 14/57 of the Rajasthan Excise Act was registered at the Excise Police Station Dungarpur. The accused-petitioner was arrested and after usual investigation, charge-sheet came to be submitted against him under Sections 19/54 and 14/57 of the Rajasthan Excise Act.

3. The Learned Magistrate framed charges against the petitioner for the offences under Sections 19/54 and 14/57 of the Rajasthan Excise Act and upon denial of guilt by the accused, commenced the trial. During the course of trial, as many as 8 witnesses were examined and 23 documents were exhibited. Thereafter, an explanation was sought from the accused-petitioner under Section 313 Cr.P.C. and then, after hearing the learned counsel for the accused petitioner and meticulous appreciation of the evidence, learned Trial Judge convicted the accused for offences under Sections 14, 19/54 and 57 of the Rajasthan Excise Act vide judgment dated 15.03.2022. Aggrieved by the judgment of conviction, he preferred an appeal before the Sessions court, which vide judgment dated 19.02.2026 affirmed the judgment passed by the trial court. Hence, this revision petition is filed before this court.

4. After arguing on merits to some extent, learned counsel for the petitioner do not wish to press the present revision petition in respect of the judgment of conviction passed by the learned trial court and preferred to make submission on the point of sentence only. He submits that the petitioner is a poor person. He does not have any criminal antecedents. It was his first case. No adverse remark has been passed over his conduct except the impugned judgment. He is facing trial since the year 2016 and he has languished in jail some time during trial and now he is in judicial custody since the date of judgment passed by the appellate court, i.e. from 19.02.2026, therefore, the sentence may be reduced to the period already undergone.

5. Learned public prosecutor though opposed the submissions made on behalf of the petitioner but does not refute the fact that it was the first criminal case registered against the petitioner and he had no criminal antecedents as well as the fact that he has remained behind the bars for some time.

6. Since the revision petition against conviction is not pressed and after perusing the material, nothing is noticed which requires interference in the finding of guilt reached by learned trial court and affirmed by the appellate court, this court does not wish to interfere in the judgment of conviction. Accordingly, the judgment of conviction is maintained.

7. As far as the question of quantum of sentence is concerned, it is true that the petitioner has remained behind the bars for some time during trial and thereafter from the date of judgment in appeal. He has not been shown to be indulged in any other

criminal case except this one. Thus, in the light of the judgments passed by the Hon'ble Supreme Court in the cases of **Haripada Das Vs. State of West Bengal** reported in **(1998) 9 SCC 678** and **Alister Anthony Pareira vs. State of Maharashtra** reported in **2012 2 SCC 648** considering the facts and circumstances of the case, age of appellant, his criminal antecedents, his status in the society and the fact that he faced financial hardship and had to go through mental agony, this court deems it appropriate to reduce the sentence to the term of imprisonment that the appellant has already undergone till date.

8. Accordingly, the judgment of conviction dated 15.03.2022 passed by the learned Additional Chief Judicial Magistrate, Dungarpur in Regular Criminal Case No.742/2017 as well as the judgment of appeal dated 19.02.2026 passed by the learned Sessions Judge, Dungarpur in Criminal appeal No.16/2022 are affirmed but the quantum of sentence awarded by the learned Trial Court is modified to the extent that the sentence he has undergone till date would be sufficient and justifiable to serve the interest of justice. The petitioner is in judicial custody. He shall be released forthwith if not wanted in any other case.

9. The revision petition is allowed in part.

10. Stay application and all pending applications, if any, are disposed of.

11. Record, if received, be sent back.

(FARJAND ALI),J