

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

S.B. Criminal Revision Petition No. 633/2016

1. Ravat Singh S/o Shri Man Singh Yadav, R/o Dhulot Ahir,
Distt. Mahendragarh, Haryana.
2. Brahmprakash S/o Shri Shiv Lal Yadav, R/o Khatod, Dist.
Mahendragarh, Haryana.

-----Petitioner

Versus

The State of Rajasthan

-----Respondent

For Petitioner(s)	:	Mr. Deepak Menaria Ms. Shivangi Pathak
For Respondent(s)	:	Mr. Surendra Bishnoi, AGA

HON'BLE MR. JUSTICE FARJAND ALI

Order

17/07/2025

1. By way of filing the instant Criminal Revision Petition challenge has been made to the judgment dated 28.05.2016 passed by the learned Additional Sessions Judge No.2, Udaipur in Criminal Appeal No.46/2013, whereby the learned appellate court affirmed the judgment of conviction and order of sentence dated 04.12.2013 passed by learned Additional Chief Judicial Magistrate No.3, Udaipur in Criminal Regular Case No.519/2013; whereby the petitioner has been convicted for the offence under Sections 14 &19/54 of the Rajasthan Excise Act and sentenced to undergo simple imprisonment of 3 years alongwith a fine of Rs.20,000/- and

in default of payment of fine, further to undergo simple imprisonment of 3 months.

2. Bereft of elaborate details, facts relevant and essential for disposal of the instant criminal revision are that on 03.02.2013, the Excise Prohibition Squad, Udaipur City East, acting on a tip-off, intercepted a truck No. RJ-23-G-2934 at Madadi Chouraha, NH-8 bypass. The truck, driven by Rawat Singh and accompanied by Brahmsingh, was claimed to be carrying biscuits but was found loaded with 1590 cartons (19,080 bottles of KG Romeo Whisky). The accused had no permit or documents for transporting the liquor, which was being smuggled to Gujarat. The truck and liquor were seized, samples were collected, and FIR No.66/2013 was registered for the offence under Sections 14/54 & 19/54 of the Excise Act.
3. The Learned Magistrate framed charge against the petitioner for the above offence and upon denial of guilt by him, commenced the trial. Then, after hearing the learned Public Prosecutor and the learned Defence Counsel and upon meticulous appreciation of the evidence, learned trial court convicted and sentenced the accused-petitioners for offence under Sections 14/54 & 19/54 of the Excise Act vide judgment dated 04.12.2013. Aggrieved by the judgment of conviction, he preferred an appeal, which was dismissed by the learned appellate court vide judgment dated 28.05.2016

affirming the judgment passed by the trial court. Hence, this revision petition is filed before this court.

4. After arguing the case on merits to some extent, learned counsel appearing for the petitioners submits that he will not assail conviction of the petitioners and confines his arguments to the alternative prayer of reduction of the sentence awarded by the trial court. He submits that the incident in the present case pertains to the year 2013. The petitioners were not having any criminal antecedents and it was the first criminal case registered against them. No adverse remark has been passed over his conduct except the impugned judgment. With these submissions, learned counsel prays that by taking a lenient view, the sentence awarded to the petitioners may be reduced to the period already undergone.
5. Learned public prosecutor has, of course, been able to defend the case on merits 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 during trial.
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 worthwhile to note that the occurrence in this case pertains to the year 2013. This aspect has also been gone through minutely, and it is observed that both the courts below failed to notice the legal aspects that the petitioners were not perversely convicted, have no criminal antecedents, and that it was their first offense, which is not punishable by more than three years. The fact that the incident took place in the year 2013 and now 12 years have elapsed is significant. They are poor persons, members of backward classes, and residents of rural areas. The question of whether the benefit of probation should be given to them was probably dealt with by the learned trial Court. Now, after twelve years, asking the petitioners to maintain peace for a certain period would not serve any purpose. Thus, looking at the age of the petitioners, their character, circumstances, and their social and economic background, this Court feels it appropriate to modify the order of sentence to the period already undergone by them.
8. Accordingly, the judgment of conviction dated 04.12.2013 passed by the learned Additional Chief Judicial Magistrate No.3, Udaipur in Criminal Regular Case No.519/2013 as well as the judgment in appeal dated 28.05.2016 passed by the learned Additional Sessions Judge No.2, Udaipur in Criminal

Appeal No.46/2013 are affirmed but the quantum of sentence awarded by the learned trial court for each count, i.e. Section 19/54 and 14/54 of the Rajasthan Excise Act, is modified to the extent that the sentence they have undergone till date would be sufficient and justifiable to serve the interest of justice. Their bail bonds are discharged. They need not surrender back to this Court.

9. Pending application(s), if any, stands disposed of.
10. Record be sent back forthwith.

(FARJAND ALI),J