

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

S.B. Criminal Revision Petition No. 301/2026

Kesar Singh S/o Naanji Harmor, Aged About 32 Years, R/o
Karanpuriya Police Station Sarda, District Udaipur

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s) : Mr. Dilip Choudhary

For Respondent(s) : Mr. Shri Ram Choudhary, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

25/02/2026

1. The instant criminal revision petition under Section 397/401 of the CrPC has been preferred by the petitioner being aggrieved of the judgment dated 30.01.2026 passed by the learned Additional Sessions Judge, Dungarpur in Criminal Appeal No.10/2020, whereby the learned appellate court while affirming the conviction of the petitioner for the offences under Sections 19/54 of the Rajasthan Excise Act as recorded by the learned Judicial Magistrate, Seemalvada, Dungarpur in Criminal Case No.91/2010, sentenced him for 3 years' simple imprisonment, while maintaining the fine amount of Rs.20,000/- and default sentence of 3 months; simple imprisonment.

2. Bereft of elaborate details, facts relevant and essential for disposal of the instant criminal revision are that upon receiving a secret information, Police personnel laid a blockade at Rajpur

Ghati. At about 01.35 AM, Police stopped a truck coming from Dungarpur and questioned the accused about the goods kept in the vehicle, the accused told Police about carrying foreign liquor. Upon conducting search, 499 cartons of foreign liquor was found for which the accused had no valid licence or permit. On the aforesaid report, FIR was registered and after usual investigation, a charge-sheet was filed against the present petitioner for the offences under Section 19/54 of the Rajasthan Excise Act.

3. The Learned Magistrate framed charges against the petitioner for the above offences and upon denial of guilt by him, commenced the trial. During the course of trial, the prosecution in order to prove the offences, examined as many as 18 witnesses and exhibited various documents. The accused, upon being confronted with the prosecution allegations, in his statement under Section 313 CrPC, denied the allegations and claimed to be innocent. No evidence was adduced from defence side. Then, after hearing the learned Public Prosecutor and upon meticulous appreciation of the evidence, learned trial court convicted the accused for offences under Section 19/54 of the Rajasthan Excise Act vide judgment dated 30.01.2019. Aggrieved by the judgment of conviction, he preferred an appeal, which was allowed by the learned appellate court vide judgment dated 30.01.2026 while affirming the judgment of conviction and the order of sentence. Hence, this revision petition is filed before this court.

4. After arguing the case on merits to some extent, learned counsel appearing for the petitioner submits that he will not assail conviction of the petitioner and confines his arguments to the alternative prayer of granting the benefit of probation to the petitioner. He submits that the petitioner is a young man aged 32 years. He has no criminal antecedents and it was the first criminal case registered against him. He is a poor person. This was one off incident and there is every possibility that the petitioner shall be reformed if he is given a chance. He has remained in custody for some days during trial and at present he is serving the sentence. With these submissions, learned counsel prays that by taking a lenient view, the petitioner may be given the benefit of probation.

5. Learned public prosecutor has, of course, been able to defend the case on merits but does not refute the fact that the petitioner has remained behind the bars for some time and that it was the first criminal case registered against the petitioner.

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 :

- (1) The petitioner is a young man aged 32 years;
- (2) The case involves the offences under Section 19/54 of the Rajasthan Excise Act.
- (3) It was the first criminal case registered against the petitioner and he has no criminal antecedents.
- (4) There is no report regarding any untoward behaviour of the petitioner during the period of custody and during the period of bail.

8. In the peculiar facts and circumstances of the case and considering the aforementioned mitigating circumstances, this court is of the considered opinion that a reformatory approach should be adopted in the present case. Thus, this court while taking lenient view towards petitioner, thinks it fit that instead of sentencing him at once to any punishment, he should be released under Section 4 of the Probation of Offenders Act, 1958.

9. Accordingly, the revision petition is allowed in part. The judgment of conviction dated 30.01.2019 passed by the learned Judicial Magistrate, Seemalvada, Dungarpur in Criminal Case No.91/2010 as well as the judgment in appeal dated 30.01.2026 passed by the learned Additional Sessions Judge, Dungarpur in Criminal Appeal No.10/2020 are affirmed. However, the order of sentence stands modified in the manner that the petitioner is ordered to be released from prison forthwith on probation under Section 4 of the Probation of the Offenders Act upon his furnishing a personal bond in the sum of 25,000/- with one surety in the like

amount, for a period of one year with an undertaking to appear and receive sentence as and when called upon by the court, in case of default of any term and condition of the probation bond and to keep peace and be of good behaviour during such period of two years from the date of his entering into such bond. The bonds be furnished before the learned trial Court, i.e. Judicial Magistrate, Seemalvada, Dungarpur. The amount of fine as imposed by the trial Court shall be deposited by the petitioner within a period of 90 days from the date of this order. The petitioner is on bail. He shall be released on probation forthwith, if not wanted in any other case, upon satisfying the aforementioned requirements.

10. The application seeking suspension of sentence and all other pending applications are disposed of.

11. Registrar (Judicial) shall intimate the concerned Jail Authorities regarding release of the accused-petitioner.

(FARJAND ALI),J