

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

S.B. Criminal Revision Petition No. 324/2026

Vikas Bijarnia Alias Dhanna S/o Narayan Ram, Aged About 26
Years, Resident Of Village Baldu, P.s. Ladnun, District Deedwana-
Kuchaman (Lodged In Dist. Jail, Deedwana)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s) : Mr. B.R. Chahar

For Respondent(s) : Mr. N.S. Chandawat, DyGA

HON'BLE MR. JUSTICE FARJAND ALI

Order

25/02/2026

1. The instant criminal revision petition under Sections 397/401 CrPC has been preferred by the petitioner being aggrieved of the judgment dated 23.02.2026 passed by the learned Additional Sessions Judge, Deedwana in Criminal Appeal No.66/2019, whereby the learned appellate court affirmed the judgment of conviction and sentence dated 07.06.2019 passed by the learned Additional Chief Judicial Magistrate, Deedwana in Criminal Regular Case No.15/2016, whereby the petitioner was convicted for the offences under Sections 19/54 and 14/57 of the Rajasthan Excise Act, 1950 and sentenced to undergo three years' simple imprisonment along with fine of Rs.20,000/- for each offence with default stipulation, and it was ordered that the sentences shall run concurrently.

2. Bereft of elaborate details, the facts relevant and essential for disposal of the instant criminal revision are that on 27.01.2015, on the basis of secret information, the Excise Inspector along with excise staff conducted a raid at an agricultural field situated at village Baldu. Upon search of a hut situated in the field, 49 cartons of liquor were recovered. On verification, it was found that 31 cartons contained 1488 quarters of Episode Grain Whisky, 9 cartons contained 432 quarters of McDowell No.1 and 9 cartons contained 432 quarters of Impact Grain Whisky. Samples were taken and seizure memo was prepared. The petitioner was found present at the spot and was arrested. After usual investigation, charge-sheet was filed for the offences under Sections 19/54 and 14/57 of the Rajasthan Excise Act.

3. The learned trial court framed charges against the petitioner for the aforesaid offences and upon denial of guilt by him, commenced the trial. During the course of trial, the prosecution examined its witnesses and exhibited relevant documents. The accused, in his statement under Section 313 CrPC, denied the allegations and claimed innocence. No defence evidence was adduced. After hearing both sides and upon appreciation of the evidence, the learned trial court convicted and sentenced the petitioner vide judgment dated 07.06.2019.

4. Aggrieved by the judgment of conviction and sentence, the petitioner preferred an appeal, which came to be dismissed by the learned appellate court vide judgment dated 23.02.2026 affirming

the findings recorded by the learned trial court. Hence, the present revision petition.

5. After arguing the case on merits to some extent, learned counsel for the petitioner does not wish to press the present revision petition in respect of the judgment of conviction passed by the learned trial court and affirmed by the learned appellate court and prefers to make submissions on the point of sentence only. He submits that the petitioner is a poor person belonging to a rural background and is sole bread earner of the family. No adverse remark has been passed over his conduct except the impugned judgment. He is facing the agony of criminal proceedings since the year 2015 and is presently in custody after passing of the judgment by the learned appellate court. It is submitted that the case is old; the petitioner has already suffered incarceration during trial and now after dismissal of appeal and, therefore, a lenient view may be taken in the matter of sentence. It is prayed that instead of sending him to undergo the remaining sentence, he may be extended the benefit of a reformatory approach in accordance with law.

6. Learned Public Prosecutor though opposed the submissions made on behalf of the petitioner but does not refute the fact that the case pertains to the year 2015 and that the petitioner is presently behind the bars after affirmation of conviction by the learned appellate court.

7. Since the revision petition against conviction is not pressed and after perusing the material available on record, nothing is

noticed which requires interference in the finding of guilt reached by the learned trial court and affirmed by the learned appellate court, this Court does not wish to interfere in the judgment of conviction. Accordingly, the judgment of conviction is maintained.

8. As far as the question of quantum of sentence is concerned, it is worthwhile to note that :

(1) At the relevant time of the incident, the petitioner was a young boy aged about 19 years; he is the sole bread earner of his family and his continued incarceration would cause undue hardship to his dependents;

(2) The case involves the offences under Sections 19/54 and 14/57 of the Rajasthan Excise Act, 1950 relating to recovery of liquor without licence or permit;

(3) It was the first criminal case registered against the petitioner and there is nothing on record to show that he has any criminal antecedents;

(4) The occurrence pertains to the year 2015 and the petitioner has faced the ordeal of criminal proceedings for more than a decade;

(5) The petitioner is presently in custody after affirmation of conviction by the learned appellate court and there is no report regarding any untoward conduct on his part during the period of custody.

9. 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 a lenient view towards the petitioner, thinks it fit that instead of sentencing him at once to undergo the remaining substantive sentence, he should be released under Section 4 of the Probation of Offenders Act, 1958.

10. Accordingly, the revision petition is allowed in part. The judgment of conviction dated 07.06.2019 passed by the learned Additional Chief Judicial Magistrate, Deedwana in Criminal Regular Case No.15/2016 as well as the judgment in appeal dated 23.02.2026 passed by the learned Additional Sessions Judge, Deedwana in Criminal Appeal No.66/2019 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 Offenders Act, 1958 upon his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount for a period of two years 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.

11. The petitioner shall furnish the requisite bonds before the learned trial Court, i.e. Additional Chief Judicial Magistrate, Deedwana, within a period of 15 days from the date of his release. The amount of fine as imposed by the learned trial Court shall be

deposited by the petitioner, if not already deposited, within a period of 90 days from the date of this order.

12. The petitioner is in custody. He shall be released forthwith, if not wanted in any other case. The Deputy Registrar (Judicial) of this Court is directed to intimate the concerned Jail Authorities through radiogram for ensuring compliance of this order forthwith.

13. The application seeking suspension of sentence and all other pending applications, if any, stand disposed of.

(FARJAND ALI),J

183-Pramod/-