

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

S.B. Criminal Revision Petition No. 590/2008

Ram Niwas @ Sikandar S/o. Shri Nura, R/o Village Bhopalgarh,
Tehsil Bhopalgarh, District Jodhpur. (Raj.)

(Lodged in Central Jail, Jodhpur)

----Petitioner

Versus

The State of Rajasthan.

----Respondent

For Petitioner(s)	:	Mr. R.S. Choudhary
For Respondent(s)	:	Mr. Hanuman Prajapat, P.P.

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

16/07/2025

- 1.** In compliance of the order dated 09.07.2025, learned Public Prosecutor has submitted a report dated 11.07.2025, wherein it is mentioned that the petitioner is alive.
- 2.** This criminal revision petition under Section 397 read with Section 401 of Cr.P.C. has been preferred by the petitioner against the judgment dated 23.06.2008 passed by learned Additional Sessions Judge (Fast Track) No.3, Jodhpur (hereinafter to be referred as 'the appellate court') in Criminal Appeal No.62/2008 (06/08), whereby the said appeal was partly allowed. The said appeal was filed against the judgment dated 14.11.2007 passed by the learned Judicial Magistrate First Class, Pipar City, District Jodhpur (hereinafter to be referred as 'the trial court') in Criminal Original Case No.423/1999.

3. Vide judgment dated 14.11.2007, the learned trial court convicted and sentenced the petitioner as under :

Conviction for the offences under Sections	Sentence Awarded	Fine Amount	In default of payment of fine further undergo
447 of IPC	1 Month's Simple Imprisonment	-	-
9/51 of Wild Life (Protection) Act, 1972 r/w Sec. 3 of Rajasthan Preservation of Certain Animals Act.	3 Years' Simple Imprisonment	₹10,000	3 Months' Simple Imprisonment
All the sentences were ordered to be run concurrently.			

4. Vide judgment dated 23.06.2008, the learned appellate court acquitted the petitioner for the offence under Section 9/51 of the Wild Life (Protection) Act, 1972 and convicted and sentenced as under :

Conviction for the offences under Sections	Sentence Awarded	Fine Amount	In default of payment of fine further undergo
447 of IPC	1 Month's Simple Imprisonment	₹100/-	7 Days' Simple Imprisonment
4 Rajasthan Preservation of Certain Animals Act.	1 Month's Simple Imprisonment	₹100/-	7 Days' Simple Imprisonment
All the sentences were ordered to be run concurrently.			

5. Briefly stated the facts of the present case are that on 23.08.1999, a written report was lodged by complainant – Ghewar Ram alleging that on that day at about 09:00 A.M., when he reached his field situated at Rohi, Bhopalgarh, he saw that accused petitioner had tied two dead peacocks. Upon seeing the complainant coming to the field, the accused petitioner fled from there. On the said written report, the FIR No.138/1999 was

registered at Police Station Bhopalgarh, District Jodhpur against the petitioner and investigation was commenced.

5.1. After filing of the charge-sheet and upon completion of the trial, the petitioner was convicted by the learned trial court for the offences under Section 447 of IPC and Section 9/51 of Wild Life (Protection) Act read with Section 3 of Rajasthan Preservation of Certain Animals Act vide judgment dated 14.11.2007. The said judgment was challenged before the learned appellate court, who vide judgment dated 23.06.2008 acquitted the accused petitioner for the offence 9/51 of Wild Life (Protection) Act, maintained the convicted and sentenced for the offence 447 of IPC and further convicted and sentenced the petitioner for the offence 4 of Rajasthan Preservation of Certain Animals Act.

6. Learned counsel for the petitioner has submitted that the sentences so awarded to the petitioner were suspended by a Coordinate Bench of this Court vide order dated 26.06.2008 passed in *S.B. Criminal Misc. Application for Suspension of Sentences No.153/2008*.

6.1. Learned counsel for the petitioner has further submitted that the petitioner has undergone detention for some period and the case is pending against them since 2008. Learned counsel for the petitioner has also submitted that the petitioner is facing agony of a long protracted trial and, therefore, without making any interference on merits/conviction, the sentences awarded to the present petitioner may be substituted with the period of sentences already undergone by him.

7. Per contra, learned Public Prosecutor has opposed the submissions made on behalf of the petitioner. However, he was not in a position to dispute the fact that the present revision petition is pending since 2008.

8. Heard learned counsel for the parties and perused the material available on record.

9. A perusal of the impugned judgments makes it manifest that the alleged incident happened in the year 1999 and the present revision petition is pending adjudication since 2008.

9.1. Hon'ble the Supreme Court of India in the cases of ***Alister Anthony Pareira Vs. State of Maharashtra : (2012)2 SCC 648*** and ***Haripada Das Vs. State of W.B. : (1998)9 SCC 678***, pleased to observe as under :

Alister Anthony Pareira (supra) :

"84. There is no straitjacket formula for sentencing an accused on proof of crime. The courts have evolved certain principles: twin objective of the sentencing policy is deterrence and correction. What sentence would meet the ends of justice depends on the facts and circumstances of each case and the court must keep in mind the gravity of the crime, motive for the crime, nature of the offence and all other attendant circumstances."

Haripada Das (supra) :

"4. considering the fact that the respondent had already undergone detention for some period and the case is pending for a pretty long time for which he had suffered both financial hardship and mental agony and also considering the fact that he had been released on bail as far back as on 17-1-1986, we feel that the ends of justice will be met in the facts of the case if the sentence is reduced to the period already undergone..."

10. In the light of aforesaid discussion, precedent law and keeping in view the limited prayer made on behalf of the petitioner, the present revision petition is partly allowed.

10.1. Accordingly, while maintaining the conviction of the petitioner for the offences under Sections 447 IPC and Section 4 of Rajasthan Preservation of Certain Animals Act, the sentences awarded to him are hereby reduced to the period already undergone by him. The petitioner is on bail. He need not surrender. His bail bonds stand discharged accordingly.

11. All pending applications stand disposed of.

12. Record of the case be sent back to the learned court below forthwith.

13. Report dated 11.07.2025, produced by the learned Public Prosecutor in compliance of the order dated 09.07.2025, be taken on record.

(MUKESH RAJPUROHIT),J

Abhishek Kumar
S.No.16