


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Revision Petition No. 416/2008

Sumer Singh S/o Sayar Singh, aged about 42 years, R/o Golabas, Kharva, Police Station Mangaliyavas, District Ajmer (Raj.)

(At present in Central Jail, Jaipur)

----Petitioner

Versus

State of Rajasthan, through Public Prosecutor

----Respondent

For Petitioner(s) : Mr. Ripu Daman Singh Naruka, Adv.
For Respondent(s) : Mr. Devi Singh, Dy.GA

HON'BLE MR. JUSTICE ASHUTOSH KUMAR
Judgment

24/03/2026

1. The instant criminal revision petition has been filed by the petitioner challenging the judgment dated 26.03.2008 passed by learned Additional Sessions Judge (Fast Track) No.7, Jaipur City, Jaipur (hereinafter referred to as learned 'Appellate Court') in Criminal Appeal No.46/2006 (334/2006), whereby learned Appellate Court dismissed the appeal filed on behalf of the petitioner and the order dated 23.08.2006 passed by learned Additional Civil Judge (Jr. Division) and Judicial Magistrate No.16, Jaipur City, Jaipur (hereinafter referred to as learned 'trial Court') in Criminal Case No.402/2001 was upheld, whereby, learned trial Court convicted and sentenced the revisionist-petitioner as under:-

Offences punishable under Sections	Sentence	Fine (in Rs.)	Sentence in default of fine
279 IPC	1 Month S.I.	500/-	-
304-A IPC	1 Year's S.I.	500/-	15 days S.I.

2. Learned counsel for the petitioner submits that Co-ordinate Bench of this Court suspended the sentence of the petitioner vide its order dated 08.05.2008 passed in S.B. Criminal Misc. Bail Application No.60/2008. Learned counsel for the petitioner further submits that the petitioner surrendered himself to serve the sentence on 29.04.2008 and was released from judicial custody on 09.05.2008, therefore, he has served the sentence for 11 days. Learned counsel also submits that the incident of this case is said to be occurred on 15.10.1994 and this revision petition was filed in the year 2008, therefore, the petitioner has suffered the agony of trial, appeal and this revision petition for almost last 32 years. Learned counsel for the petitioner further submits that at present, the age of the petitioner is about 60 years.

3. After arguing to some extent, learned counsel for the petitioner makes only a limited prayer that the petitioner does not want to challenge the finding of conviction passed against him vide the impugned judgment dated 23.08.2006, however, looking to the period of trial, appeal and pendency of this petition as well as the age of the petitioner, a liberal view may be taken. Therefore, it is prayed that while maintaining the conviction awarded against the petitioner, the sentence awarded to the petitioner may be reduced to the period already undergone by him.

4. *Per contra*, learned Deputy Government Advocate appearing on behalf of the respondent-State opposed the prayer made by learned counsel for the petitioner.

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

6. Admittedly, the incident in this case occurred in the year 1994, therefore, the petitioner is suffering the agony of trial, appeal and this revision petition for last almost 32 years and also, he has remained in judicial custody for about 11 days.

7. This Court is conscious of the judgments rendered 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**, wherein the Hon'ble Apex Court observed as under:-

Alister Anthony Pareira (Supra)

"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)

"...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..."

8. Therefore, this Court deems it proper to have a liberal view against the petitioner in awarding the sentence.

9. Accordingly, this revision petition is partly allowed. While maintaining the conviction of the petitioner for the offences

punishable under Sections 279 & 304-A of IPC, the sentence awarded to the petitioner is hereby reduced to the period already undergone by him. However, the petitioner is ordered to pay a fine of Rs.1,000/- for the offence punishable under Section 279 of IPC and Rs.5,000/- for the offence punishable under Section 304-A of IPC. The petitioner is directed to deposit the fine of Rs.6,000/- within a period of two months from today, otherwise this petition shall be deemed to be dismissed and the petitioner shall serve the sentence awarded by learned trial Court and upheld by learned Appellate Court.

10. If the fine is so deposited, the same shall be paid to the legal heirs of the deceased.

11. The petitioner is on bail thus, he need not to surrender and the bail bonds stands discharged.

12. Record of the trial Court be sent back immediately for compliance.

13. All pending application(s), if any, shall stand disposed of.

(ASHUTOSH KUMAR),J