

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>CRLR No.455 of 2026</u> <u>Hon'ble Alok Mahra, J.</u> Mr. Shailendra Nauiryal, learned counsel for the revisionist. 2. Mr. V.S. Pal, learned A.G.A. along with Mr. Nikhil Bisht and Mr. Manoj Bhatt, learned Brief Holders for the State. 3. By means of the present criminal jail revision, the revisionist has challenged the judgment and order dated 26.05.2026 passed by the learned 2nd Additional Sessions Judge, Rishikesh, District Dehradun in Criminal Appeal No. 33 of 2024, affirming the judgment and order dated 27.09.2024 passed by the learned trial court in Criminal Case No. 3642 of 2017, whereby the revisionist has been convicted for the offences punishable under Sections 381 and 411 of the I.P.C. and under Section 381 I.P.C., the revisionist has been sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of ₹5,000/-, and in default of payment of fine, to further undergo simple imprisonment for a period of thirty days; that, under Section 411 I.P.C., the revisionist has also been sentenced to undergo rigorous imprisonment for a period of three years along with a fine of ₹5,000/-, and in default of payment of fine, to further undergo simple imprisonment for thirty days.

		4. Learned counsel appearing for the revisionist would submit that the learned trial court itself recorded in its judgment that the complainant, in his cross-examination, categorically admitted that on the date of the alleged incident, the revisionist was not employed as his driver; that, even in the F.I.R., the complainant described the revisionist as his former driver, therefore, according to the learned counsel, no master-servant relationship existed between the complainant and the revisionist on the date of the alleged theft, which is an essential ingredient for attracting the offence under Section 381 I.P.C., and, consequently, the conviction under the said provision is legally unsustainable. 5. He would further submit that the learned trial court failed to appreciate the defence version regarding the arrest of the revisionist; that, the revisionist was called by the complainant to the premises of the lower court and was apprehended there by the police, thereby rendering the prosecution case regarding his arrest and recovery doubtful; that, the revisionist remained on bail throughout the trial proceedings as well as during the pendency of the criminal appeal and never misused the liberty granted to him; that, the prosecution witnesses have already been cross-examined, the revisionist has no criminal antecedents, and there is no likelihood of his absconding or tampering with the evidence.
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			6. Heard learned counsel for the revisionist and learned State Counsel. 7. Admit. 8. Summon the lower court record. 9. The exemption application stands allowed, subject to all just exceptions. 10. Considering the submissions advanced by learned counsel for the revisionist, the nature of the controversy involved, the fact that the revisionist remained on bail throughout the trial and appellate proceedings without misusing the liberty granted to him, and that he has no criminal history, it is directed that the substantive sentence awarded to the revisionist shall remain suspended during the pendency of the present criminal revision. 11. Accordingly, the revisionist shall be released on bail during the pendency of the present criminal revision on his furnishing a personal bond and two reliable sureties of the like amount each to the satisfaction of the court concerned. 12. The application seeking suspension of sentence also stands allowed. (Alok Mahra, J.) 15.06.2026
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