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Hazari Vs. the State

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Court : Rajasthan

Decided On : May-25-1951

Reported in : 1954CriLJ214

Judge : Atma Charan, J.C.

Appellant : Hazari

Respondent : The State

Judgement :
ORDER

Atma Charan, J.C.

1. Heard the parties.

2. The accused-applicant stands convicted under Section 379, I. P. C. and sentenced to receive fifteen stripes. The two Courts below have definitely come to the conclusion that he was caught red-handed stealing one and a half, seers of sugar from a goods-wagon standing in the railway yard. There is thus no reason for me to hold on the revisional side that he has wrongly been convicted under Section 379, I.P.C.

3. The accused-applicant has been sentenced to receive fifteen stripes. It has been argued that the sentence of whipping errs on the side of severity. The accused-applicant is a khalasi coolie in the employ of B. B. & C. I. Rly. He is

bound to be dismissed from service as a result of the conviction. In the circumstances, it would meet the ends of justice if the sentence of whipping is set aside and he is directed to be released on probation of good conduct for a period of six months on his entering into a personal bond in the sum of Rs. 500/- with one surety in the like amount to appear and receive sentence when called upon during the period of six months and in the meantime to keep the peace and be of good behaviour as laid down under Section 562, Cr. P. C.

4. The application in revision accordingly is partly allowed, the conviction of the accused-applicant is maintained, his sentence of whipping is set aside and he is directed to be released on probation of good conduct for a period of six months on his entering into a personal bond in the sum of Rs. 500/- with one surety in the like amount to appear and receive sentence when called upon during the period of six months and in the meantime to keep the peace and be of good behaviour as laid down under Section 562, Cr. P. C.

5. The bond be furnished before the trial Court by 25-6-1951.

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