

Faiyaz Vs. the State of Rajasthan

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Court : Rajasthan

Decided On : Jan-22-1991

Reported in : 1991(1)WLN173

Judge : B.R. Arora, J.

Appeal No. : S.B. Criminal Appeal No. 73 of 1980

Appellant : Faiyaz

Respondent : The State of Rajasthan

Judgement :

B.R. Arora, J.

1. This appeal is directed against the judgment dated January 13,1980, passed by the Sessions Judge, Pratabgarh, convicting the appellant Under Sections 353 and 186, I.P.C.

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3. The learned counsel for the appellant does not challenge the conviction of the appellant Under Sections 353 and 186 I.P.C. and submits that the learned lower Court has committed an error in not giving the benefit of probation to the accused-appellant. The learned Public Prosecutor, on the other hand, has supported the judgment passed by the learned lower Court.

4. I have considered the rival submissions made by the learned counsel for the parties.

5. As the matter relates to the year 1978 and more than twelve years have elapsed; the accused is neither a previous convict nor is any case pending against him and he is repenting over his act, hence, in these circumstances, I think it proper that the ends of justice would meet if the appellant is given the benefit of probation.

6. In the result, the appeal is partly allowed. The conviction of the appellant Under Sections 353 and 186 I.P.C. are maintained, but instead of sentencing the appellant Faiyaz to any imprisonment, it is directed that the appellant Faiyaz be released on probation of good conduct for six months on his furnishing the personal and surety bonds in the sum of Rs. 2000/- to the satisfaction of the learned Sessions Judge, Pratabgarh, with the stipulation that during the period of six months, he shall keep peace and be of good behavior.