

**Kansingh Vs. the State of Rajasthan**

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**Court :** Rajasthan

**Decided On :** Jan-29-1974

**Reported in :** 1974WLN(UC)290

**Judge :** V.P. Tyagi, J.

**Appeal No. :** S.B. Criminal Appeal No. 358 of 1971

**Appellant :** Kansingh

**Respondent :** The State of Rajasthan

**Judgement :**

V.P. Tyagi, J.

1. learned Counsel appearing on behalf of appellant Kan Singh has urged that his client has been convicted by the learned Additional Sessions Judge, Sikar, for an offence Under Section 323 Indian Penal Code and has been sentenced to three months' simple imprisonment and a fine of Rs. 50/-, or in default to further undergo three months' simple imprisonment, and as it is his first offence he should be given the benefit of the provisions of Section 3 read with Section 4 of the Probation of Offenders Act as the appellant has already undergone 20 days' simple imprisonment and is prepared to deposit the fine imposed by the trial court.

2. learned Counsel appearing on behalf of the State has no objection if the accused appellant is released on probation maintaining the substantive sentence already undergone and the sentence of fine.

3. Looking to the nature of the injuries sustained by the victim Bhom Singh and other circumstances in which the incident had taken place, I am inclined to accept the prayer of Mr. Chatterji.

4. The result is the appeal is partly allowed, the conviction of the accused-appellant Under Section 323 Indian Penal Code is maintained but the substantive sentence awarded to him by the trial court is reduced to one already undergone by the accused-appellant and the sentence of fine is maintained, provided the accused-appellant furnishes a bond for Rs. 1000/-, in the court of the Additional Sessions Judge, Sikar within a month, for keeping the peace and be of good behaviour for one year.

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