

Makbool Vs. the State of Rajasthan

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Court : Rajasthan

Decided On : Apr-03-1984

Reported in : 1984WLN(UC)229

Judge : N.M. Kasliwal, J.

Appeal No. : S.B. Criminal Revision Petition No. 81 of 1984

Appellant : Makbool

Respondent : The State of Rajasthan

Judgement :

N.M. Kasliwal, J.

1. out of our accused persons Mst. Aisha & Rajasthan Were acquitted by the trial court by judgment Date 28-1-1982 Nawab accused had died during the pendency of the teial and the present petitioner Makbool was convicted under dictions 332 and 356 IPC under Section 332 IPC he was sentenced to six months' rigorous imprisonment and a fine of 100 and in default of payment of fine to further undergo one month's simple imprisonment and under Section 353 IPC he was sentenced to 4 month's simple imprisonment.

2. An appeal filed by the petitioners has also been dismissed. hence this revision was filed by the petitioner.

3. The only contention raised by learned by the learned Counsel for the petitioner is that the incident is dated January 1, 1973 and the petitioner has faced the trial for 11 years. It is further offence and he has also remained in jail for about 15 days. It is further submitted that according to the judgment of the learned appellate court it has been found that the petitioner had not given any beating by chain- belt so alleged by the prosecution. It is further submitted that the petitioner is pregnant and is due for delivery at any moment. In view of the above circumstances it has been submitted that the petitioner should be given benefit of probation instead of serving out the sentence as awarded to him.

4. Taking in view the above circumstances, as argued by the learned Counsel for the petitioner to grant benefit of probation to the petitioner.

5. In the result this revision is partly allowed. The conviction of the petitioner under Section 332 and 353 IPC Is maintained. The petitioner instead of serving out the substantive sentence of imprisonment awarded to him will be entitled to the benefit of probation provided he furnishes a personal bond in the sum of Rs. 2000/- with one surety in the like amount to peace and to remain of good behaviour for one year the sentence of fine of Rs. 100/- Imposed in the petitioner shall remain in tact. In case of breach of any of the conditions of the bond, the petitioner would serve out the remaining sentence awarded to him.