

Mahadia Vs. State of Rajasthan

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Court : Rajasthan

Decided On : May-16-1984

Reported in : 1984WLN(UC)243

Judge : S.S. Byas, J.

Appeal No. : S.B. Criminal Revision No. 360 of 1978

Appellant : Mahadia

Respondent : State of Rajasthan

Judgement :

S.S. Byas, J.

1. The only submission made by the learned Counsel for the accused-petitioner is that the accused was found in possession of only three bottle of ill-cit liquor. The offence was committed in 1977. As such the benefit of probation of good conduct should be extended to the accused.. The accused was convicted under Section 4(2) of the Rajasthan Prohibition Act, which is now a dead law and is no more in force. In reply, the learned Public Prosecutor opposed she move.

2. I have taken the respective submissions into consideration Admittedly, only three bottles of liquor were found from the possession of the accused No previous conviction stands at his discredit. The Rajasthan Prohibition Act, 1969 is no more

alive and is now a dead law in these circumstances it would not be improper to extend the benefit of probation of good conduct to the accused.

3. In the result, the revision is partly allowed. The conviction of accused Mahadra under Section 4(2) of the Rajasthan Prohibition Act, 1969 is maintained but the sentence awarded to him is set-aside. Instead of sentencing him at-once to any imprisonment, it is hereby directed that he be released on his entering into a bond for a sum of Rs. 1000/- together with a surety in the like amount to the satisfaction of the learned Munsif a Judicial Magistrate, Churu to appear and receive sentence within a period of two years and in the meantime to keep peace and be of good behaviour. The accused is allowed one month's time to furnished the aforesaid bonds.

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