

Salam Vs. State

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Court : Rajasthan

Decided On : Jul-26-1984

Reported in : 1984WLN(UC)254

Judge : K.S. Sidhu, J.

Appeal No. : S.B. Criminal Revision Petition No. 266 of 1978

Appellant : Salam

Respondent : State

Judgement :

K.S. Sidhu, J.

1. I have perused the record and find that there is no scope for interference with the order of conviction under Section 323 IPC, recorded against the accused-petitioner by the trial court and thereafter affirmed in appeal by the learned Sessions Judge. The order of conviction is based upon the evidence of PWs Shyarala, Murari and Badri Prasad. It is true that some of the witnesses were declared hostile but it does not in any manner detract fiotn the truthfulness of PWs Sbyamlal, Murari and Badri Prased This Court, cannot in a revision petition convert itself into a third court of facts. 5 would accordingly affirm the order of conviction as recorded against the accused-petitioner under Section 323 IPC.

2. However, having regard to the fact that the martrpit took place over a triva matter and also to the fact that the occurrence took place nearly 11 year back, the accused-petitioner should be released on probation of food conduct, I would accordingly direct that the accused-petitioner will be released on probation of good conduct on his executing a bond in the sum of Rs. 2/00/- with one surely in the like amount to the satisfaction of the trial court to appear and receive sentence when called upon to do also during a period of set months from the date of execution of the said bonds and in the mean time to keep the peace and be of good behaviour. The bonds may be executed within a period of two months from today and the period of probation will commence from the date of execution of the bonds.

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