

Sawai Singh Vs. State of Raj.

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Court : Rajasthan

Decided On : Feb-22-1991

Reported in : 1991WLN(UC)554

Judge : Farooq Hassan, J.

Appeal No. : S.B. Cr. Appeal No. 418 of 1980

Appellant : Sawai Singh

Respondent : State of Raj.

Judgement :

Farooq Hassan, J.

1. Heard learned Counsel for the parties. The counsel for the appellants submits that he does not want to assail the finding of the learned trial court on merits. He merely submits that while maintaining the conviction of the appellants they may be extended the benefit of Probation of Offender's Act because the learned trial court failed to consider this point. A look at the record shows that the present case is fully covered by the principles laid down in the case reported in 1979 Supreme Court 934. So looking to the age, character and antecedents of the appellants they are entitled to be released on probation.

2. This appeal is therefore, partly allowed. The conviction of the appellants is maintained but instead of passing any sentence against them they are directed to be released on probation provided each of them furnishes a personal bond in a sum of Rs. 5,000/- with one surety of the like amount to the satisfaction of Chief Judicial Magistrate, Jaipur with this condition that they will maintain peace and be of good behaviour for a period of one year. The said bonds are to be furnished within a period of two months failing to which the appellants shall serve out the sentence passed against them.

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