

Ajeet Singh Vs. the State

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Court : Rajasthan

Decided On : Mar-13-1985

Reported in : 1985WLN(UC)38

Judge : G.K. Sharma, J.

Appeal No. : S.B. Cr. Revision No. 56 of 1985

Appellant : Ajeet Singh

Respondent : The State

Judgement :

G.K. Sharma, J.

1. With the consent of the learned counsel for the petitioner and the P.P. this revision petition is disposed of finally at the admission stage.

2. The petitioner was caught by the S.I. Police Station, Atru on 13-8-78 and he was found in possession of two plastic bags containing opium 1.460 Kg. and 1.160 Kg. respectively. After investigation the petitioner was challaned Under Section 4/9 of the Opium Act in the Court of Munsif & Judicial Magistrate, Atru. The learned Magistrate after framing charge and recording statements of the prosecution witnesses and examining the accused Under Section 313, Cr.P.C. found the prosecution case proved against the accused and he sentenced him to one year's

R.I. and a fine of Rs. 200/-, in default of payment of fine to further undergo 3 months S.I.

3. The petitioner preferred an appeal before the Addl. Sessions, Judge, Baran, who maintained the conviction and sentence awarded to him by the learned Magistrate. Against that judgment, the present revision petition has been preferred.

4. The learned counsel for the petitioner did not argue this revision petition on merits and has argued only on the point of sentence awarded to the petitioner. He has argued that the incident had taken place in the year 1978 when the accused was below 21 years of age He has also argued that the petitioner has already been in Jail for 20 days and during the trial also he remained in Jail for about 17 days. As such he has been in Jail for about 37 days, and the sentence already undergone by him is sufficient. Therefore, the petitioner should be given the benefit of the Probation of Offenders Act.

5. The learned P.P. has opposed it and argued that the accused-petitioner was found in possession of opium weighing more than 2-1/2 kg. and if such persons are given the benefit of Probation of Offenders Act, it will increase the commission of such offences.

6. I have considered arguments of both the sides. It is not in dispute that when the incident took place the accused-petitioner was below the age of 21 years. He has already been in jail for a period about 37 days. Therefore, looking to the age of the petitioner and the fact that he has been in jail for about 37 days. I feel that it would be proper to bind him down for keeping good behaviour in future.

7. The result it that the revision petition is partly accepted and the conviction of the petitioner Under Section 4/9 of the Opium Act is maintained. But, instead of sending him to jail, I hereby direct that he will submit two sureties of Rs. 2000/- each and a personal bond of Rs. 4000/- to the satisfaction of the learned Addl. Sessions Judge, Baran for maintaining good behaviour for a period of two years. These surety and personal bonds be submitted within two months from today, failing which he will undergo the remaining sentence awarded to him by the

learned Magistrate.

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