

Sultan Singh Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Mar-18-1987

Reported in : 1987(2)WLN467

Judge : Guman Mal Lodha, J.

Appeal No. : S.B. Cr. Revision Petition No. 285 of 1982

Appellant : Sultan Singh

Respondent : State of Rajasthan

Judgement :

Guman Mal Lodha, J.

1. This is one of these typical case which requires sympathetic consideration in the matter of sentence or grant of probation. The accused belongs to Scheduled Caste was coming on a cycle and it was found that he had one bottle in which he was having 400 ml. of liquor.

2. This is criminal revision against the judgment dated 10-9-1982 passed by Additional Sessions Judge, Kishangarh-Bas, Alwar in Criminal Appeal No. 308/1980.

3. The entire prosecution case is dependent upon this recovery from Us body and that too while coming on a cycle and it is further mentioned that he was drunk.

4. The accused in his statement stated that he was a teacher and he came from centre after taking salary and when he was going to the school the Excise people were beating a lady, and he has told them why they were beating the lady, on which they said that she has committed crime. On this the Excise people gave beating to the accused and told him that he will teach a lesson and caught hold of him. He was not having any liquor with him. For the purposes of revision I would accept the analysis of the two courts, that a very small quantity of illicit liquor in one bottle was found from his possession while he was coming on cycle.

5. The accused belongs to scheduled caste as he is Harijan chamar and he is a teacher. In the society in which he is living inspire of the fact that the possession of illicit liquor even of this insignificant quantity may be an offence, yet the question is whether for such a petty trivial offence the accused should be deprived of the career by substantive punishment, which has been done by the trial court. Although the trial court's sentence is till rising of the court but the effect of this would be that the accused would be deprived of his service.

6. It is very rare and with great difficulty that a Scheduled Caste person gets appointment in service and for this lapse punishing him of jail and depriving of service would hardly be justified. Consequently, looking to the facts and circumstances of the case I would release the accused on probation rather than sentencing him so that he is not deprived of his service. Consequently, the revision petition is partially accepted. The accused petitioner will be released on probation on furnishing two sureties of Rs. 2,000/- each with a personal bond of Rs. 4,000/- for keeping peace and be of good behaviour for a period of two years from the date execution of the bond, which should be done with in three months from the date of receipt of the record by the trial court, failing which the sentence in the judgment given by the Additional Sessions Judge would be treated as confirmed.

7. The revision petition is partly accepted, as indicated above.