

Gopi Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Apr-15-1986

Reported in : 1986WLN(UC)254

Judge : Kishore Singh Lodha, J.

Appeal No. : S.B. Criminal Revision Petition No. 101 of 1986

Appellant : Gopi

Respondent : State of Rajasthan

Judgement :

Kishore Singh Lodha, J.

1. The petitioner Gopi was convicted under Section 4/9 of the Opium Act and sentenced to six months' R.I. and a fine of Rs. 500/- by the learned Munsif and Judicial Magistrate, Chittorgarh by his judgment dated 19-4-1979. On appeal, the learned Additional Sessions Judge, Chittorgarh maintained the conviction but reduced the sentence for four months' R.I. and a fine of Rs. 200/-. Still being unsatisfied, he has come up in revision.

2. The only contention raised by the learned Counsel for the petitioner is that looking to all the circumstances of the case, the sentence awarded to the petitioner deserves to be reduced. In view of this contention, I have heard the

learned Public Prosecutor also.

3. The occurrence is as old as 21-10-1972. The accused has suffered a long trial for about 14 years. It has also been found by the learned Additional Sessions Judge that he is more than 60 years of age. The long trial must naturally have resulted into a good deal of harassment and monetary loss to the petitioner. He has already undergone about 25 days' imprisonment. Looking to all these circumstances, I am of the opinion that the substantive sentence awarded to him, may be reduced to that already undergone and in lieu of the reduction of the substantive sentence, the fine may be increased.

4. If therefore, partly allow this revision and while maintaining the conviction of the petitioner, reduce the substantive sentence awarded to him to that already undergone by him and in lieu of reduction of the substantive sentence, the fine is increased by a sum of Rs. 700/-. If the fine is not paid, the petitioner shall undergo three months' S.I.

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