

Zakiullah Vs. State of Rajasthan

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SooperKanoon Citation : sooperkanoon.com/769748

Court : Rajasthan

Decided On : May-08-2002

Reported in : RLW2003(2)Raj777

Judge : Ashok Parihar, J.

Acts : [Arms Act, 1959](#) - Sections 3 and 25

Appeal No. : S.B. Criminal Revision Petition No. 193 of 2000

Appellant : Zakiullah

Respondent : State of Rajasthan

Advocate for Def. : Madhav Mitra, Public Prosecutor

Advocate for Pet/Ap. : N.A. Vaqvi and; M.I. Beg, Advs.

Disposition : Petition partly allowed

Judgement :

Parihar, J.

1. One country made Revolver with one live Cartridges alleged to have been recovered from the petitioner on 16.5.1984. The petitioner was charged for the offence under Section 3/25 of the Arms Act. After trial, the petitioner was convicted for the above offence and was sentenced for one year's rigorous imprisonment

with a find of Rs. 500/- vide order dated 16.9.1996 passed by the trial Court. Aggrieved by the above order, the petitioner filed an appeal, however, the Appellate Court, while partly allowing the appeal, reduced the sentence to six months rigorous imprisonment with a fine of Rs. 500/- vide order dated 9.5.2000. The present revision petition has been filed by the petitioner challenging both the above orders passed by the courts below.

2. After hearing the learned counsel for the parties, I have carefully gone through the material available on record, the impugned orders as also the original record of the trial Court as summoned by this Court.

3. The incident alleged to have taken place way back on 16.5.1984. The trial was concluded on 16.9.1996 and, thereafter, the appeal was also decided on 9.5.2000.

4. Looking to the nature of offence committed by the petitioner, in the facts and circumstances of the present case and that the petitioner having already faced the litigation for more than 18 years, in my considered opinion, the interest of justice would meet if the petitioner is given benefit under the Probation of Offenders Act in the present matter, more so, when no other incident or adverse antecedents have been placed on record.

5. Accordingly, the revision petition is partly allowed. While maintaining the conviction of the accused petitioner recorded by the trial court, it is directed that instead of sentencing him to any punishment, he be released on probation on his entering into personal bond in the sum of Rs. 10,000/- (Rs. ten thousand only) with one sound and solvent security in the like amount to the satisfaction of the learned trial Court to appear and receive the sentence when called upon during the period of two years from today and in the meantime to keep peace and be of good behaviour. He shall also give an undertaking that during the said period, he shall not commit any offence punishable under the Arms Act. The seized country made revolver stands confiscated to the State, if the petitioner is in custody, he shall be released on furnishing such bail bonds as directed above. The record be sent back immediately.

