

State Vs. Somdev Singh

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Court : Rajasthan

Decided On : Jul-02-2008

Reported in : RLW2009(1)Raj523

Judge : Mahesh Chandra Sharma, J.

Appellant : State

Respondent : Somdev Singh

Disposition : Appeal dismissed

Judgement :

Mahesh Chandra Sharma, J.

1. The State of Rajasthan has preferred this appeal against the judgment dated 2.11.2002 passed by learned Addl. Civil Judge (Sr. Division) & Addl. Chief Judicial Magistrate, No. 5, Jaipur City, Jaipur (hereinafter to be referred as 'the learned trial Court') in Case No. 921/2002 by which he acquitted the accused-respondent for the offence under Sections 279, 337 & 338 IPC and released on probation by giving benefit under Section 3 of the Probation of Offenders Act.

2. In brief, the facts of the case are as under:

On 2.11.2002 the accused respondent has pleaded guilty for the offence under Sections 279, 337 and 338 IPC.

After pleading guilt the learned trial Court has released the accused-respondent on probation by giving benefit under Section 3 of the Probation of Offenders Act and imposed a cost of Rs. 1000/-

3. Aggrieved against the judgment and order of the learned trial Court dated 2.11.2002, the State of Rajasthan has preferred the instant appeal.

4. In this appeal it has been submitted by the learned Public Prosecutor that the learned trial Court has not considered the statements of the prosecution witnesses properly. He has further contended that the learned trial Court has wrongly observed that prosecution has failed to prove the offence against the accused-respondent and thus, the impugned judgment and order dated 2.11.2002 is erroneous one and should be set aside.

5. He has further contended that the learned trial Court has convicted the accused respondent under Section 279, 337 and 338 IPC but not sentenced under these sections, inspite of the fact that accused offence is well proved.

6. On the other hand, the learned Counsel for the accused- respondent has submitted that the impugned judgment and order passed by the learned trial Court is based on the correct appreciation of evidence and after giving cogent reasons, the learned trial Court has acquitted the accused respondent from the charges framed against him and thus, no interference is required with the impugned judgment and order of the learned trial Court in this appeal.

7. He has also contended that the accused respondent had already deposited Rs. 1000/- as a cost in the Court and he has been released on probation. He has further contended that the accused-respondent had already completed his probation period and, therefore is nothing remains more. He has further draw the attention of this Court that the accused-respondent confessed his offence in the Lok Adalat. Lastly he has urged that the accused -respondent is facing the trial from last several years which is tantamounts to punishment.

8. For these reasons I do not want to interfere with the judgment passed by the learned Addl. Civil Judge (Sr. Division) & Addl. Chief Chief Judicial Magistrate, No.

5, Jaipur City, Jaipur dated 2.11.2002 and the same is hereby confirmed after dismissing the appeal filed by the State of Rajasthan.

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