
(2013) 01 RAJ CK 0248

In the Rajasthan High Court

Case No : SB Criminal Revision Petition No. 909 of 2002

Abdul Bari @ Kalu and Others

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 17-01-2013

Acts Referred:

Citation : (2013) 01 RAJ CK 0248

Hon'ble Judges : Munishwar Nath Bhandari, J

Bench : Single Bench

**Advocate : S.S. Hasan and Mr. Tarun Jain, for the Appellant; Laxman Meena, PP
- for the State, for the Respondent**

Final Decision : Disposed Off

Judgement

Munishwar Nath Bhandari, J.—By this criminal revision petition, challenge is made to the order dated 13.9.2002 passed by the appellate court partly allowing the appeal by maintaining conviction for offence under sections 323 and 325 IPC and modifying the order of sentence. Learned counsel for petitioners submits that so far as order of conviction is concerned, petitioners are not pressing it, however, sentence may be interfered looking to the fact that case is old by 18 years. Instead of imprisonment, compensation may be awarded to the complainant pursuant to section 357 Cr.P.C. Petitioners otherwise remained behind bars for almost a month.

2. Learned PP and learned counsel for complainant opposed the prayer, however, it is stated that if interference is caused in the sentence then appropriate compensation may be given.

3. I have considered rival submissions of learned counsel for parties and perused the record. I find that so far as order of conviction is concerned, it needs no interference as revision petition is not pressed.

4. The question now comes for sentence. Petitioners were initially sentenced to four years" rigorous imprisonment for offence u/s 325 IPC and six months"

rigorous imprisonment for offence u/s 323 IPC apart from fine of Rs. 1000/- and Rs. 500/- respectively for both the offences. The sentence was interfered by the appellate court and it was reduced from four years RI to one year's RI for the offence u/s 325 IPC and order for sentence for offence u/s 323 IPC was maintained. I find that matter is old by 18 years and there exist cross cases between the two families. The incident said to have taken place when complainant party left sister of the accused party after marriage. Taking note of the aforesaid, I find it appropriate to reduce the sentence with the period already undergone by the petitioners. However, fine of Rs. 1000/- for offence u/s 325 IPC and Rs. 500/- each for offence u/s 323 IPC is maintained and in default of payment thereof accused petitioners to undergo 15 days' simple imprisonment. In addition to the aforesaid, each petitioner would pay a sum of Rs. 10,000/- to the complainant within a period of three months from today, failing which, they shall undergo sentence of three months simple imprisonment. The order of the appellate court is modified accordingly. With the aforesaid, criminal revision petition stands disposed of.