

(2018) 02 RAJ CK 0057
In the Rajasthan High Court
Case No : 132 of 1990

Asat Ali S/o Andu Khan & Ors

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 08-02-2018

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 374\(2\)](#) - Appeals from convictions
[Indian Penal Code, 1860](#), [Section 47](#), [Section 323](#), [Section 326](#)

Citation : (2018) 02 RAJ CK 0057

Hon'ble Judges : P.K. Lohra

Bench : Single Bench

Advocate : N.L. Joshi, Rajesh Bhati

Final Decision : Dismissed

Judgement

1. The instant Criminal Appeal under Section 374(2) Cr.P.C., was initially preferred by three appellants, viz., Asat Ali, Rajender and Ballu Khan.

During pendency of the appeal, two accused appellants, i.e. appellant No.1 Asat Ali and appellant No.3 Ballu Khan expired, and therefore, appeal

qua them was abated.

2. In the appeal, essentially the challenge is given to judgment dated 24.03.1990, passed by Sessions Judge, Churu in Sessions Case No.66/1984.

Learned trial Court has granted probation to accused-appellants No. 2 & 3 while indicting them for offence under Sections 323 and 447 IPC.

Appellant No.1 was convicted for offence under Section 326 IPC and handed down sentence of three years' rigorous imprisonment with fine of

Rs.2,000/- and in default of payment of fine to undergo six months' imprisonment.

3. In view of the fact that two appellants, viz., Asat Ali and Ballu Khan, have expired and appeal qua them has abated, upon examining the matter,

I am unable to find any infirmity in the judgment impugned whereby appellant No.2 Rajender is indicted for the aforesaid offence and granted

benefit of probation. It is also noteworthy that the incident is of 1984 and since then more than three and half decades have elapsed and this appeal

is also pending since 1990, therefore, no interference with the impugned judgment to the extent of indictment of appellant No.2 and grant of

probation to him is warranted.

4. Resultantly, the appeal fails and the same is hereby dismissed.