
(2014) 03 RAJ CK 0152
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4901/2013

Ashok Kumar

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 14-03-2014

Acts Referred:

Probation of Offenders Act, 1958 — Section 12

Citation : (2014) 3 WLN 338

Hon'ble Judges : Gopal Krishan Vyas, J

Bench : Single Bench

Advocate : Sachin Acharya, Advocate for the Appellant; N.K. Mehta, Advocate for the Respondent

Final Decision : Allowed

Judgement

Gopal Krishan Vyas, J.—Heard learned counsel for the parties. In this writ petition, the petitioner has challenged the order Annexure-6 dt. 20.02.2013 whereby appointment has been denied to the petitioner on the ground that criminal case was pending against him.

2. Learned counsel for the petitioner submits that there is no dispute with regard to the fact that at the time of filing application for providing appointment on compassionate ground, the criminal case was pending against him but subsequently in appeal, he has been acquitted on the basis of the compromise by the Addl. District & Sessions Judge, Suratgarh in appeal.

3. While inviting attention of this Court towards the judgment rendered by this Court in case of Raisa vs. State of Raj. & Ors., in which while following the judgment rendered by Supreme Court in case of Sandeep Kumar, this Court has held that appointment should not be denied on the ground that in case of petty offence like 323 and 450, which is compoundable offence decided on compromise but in the present case, after the death of father, the petitioner filed an application to provide appointment on compassionate ground in the office of

respondents but the respondents denied appointment solely on the ground that criminal case is pending against him but now petitioner has been acquitted by the Court.

4. In above circumstances, it emerges from the facts that prior to rejection of the petitioner application for appointment, the criminal case was already decided by the competent Court on the basis of the compromise. In view of above, this writ petition is allowed. The respondents are directed to consider the case of the petitioner for providing appointment on compassionate ground while ignoring the fact that in criminal case the petitioner has been acquitted on the basis of the compromise while granting the benefit of probation after compromise in view of Section 12 of the Probation of Offenders Act within a period of one month from the date of receipt of certified copy of this order.