

(1983) 10 RAJ CK 0007
In the Rajasthan High Court
Case No : Criminal Appeal No. 330 of 1979

Nanda and Others

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 03-10-1983

Acts Referred:

Penal Code, 1860 (IPC) — Section 147, 323

Citation : (1983) WLN 307

Hon'ble Judges : Milap Chand Jain, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

M.C. Jain, J.—Heard learned Counsel for the appellants and learned Public, Prosecutor for the State.

2. Mr. Goel on behalf of the appellant has simply urged that the appellants have been convicted for the offences under Sections 147, 323 I.P.C. and have been sentenced to 1 year's rigorous imprisonment and to a fine of Rs. 1000/- and in default of payment of fine, to undergo 3 months' rigorous imprisonment on each count.

3. The occurrence took place as far back as on 26-4-1977. More than 6 years have elapsed. Considering the circumstances of the case and particularly the time which has elapsed, in my opinion, it would be just and proper that the appellants may be instead of being sentenced, released on probation.

4. Accordingly, the appeal is partly allowed while maintaining the convictions of the appellants, instead of sentencing them, it is ordered that the appellants be released on their entering into a bond for a sum of Rs. 2,000/- (Rupees two thousand) with one surety in the like amount each before the Sessions Judge, Jhalawar to appear and receive sentence during the period of 6 months and in the meantime to keep peace and be of good behaviour.

5. Learned Counsel for the appellants prays for one month's time to submit the requisite bonds. Time prayed for is allowed.