


**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Revision Petition No. 390/2020

Chamanlal Chanderia S/o Shri Ratanlal, Aged About 67 Years, By
Caste Khatik, Resident Of House No. 192, Ambamata Scheme,
Oad Basti, Khatikwada, Udaipur (Raj.).

-----Petitioner

Versus

1. State, Through Pp
2. Smt. Kesar Bai
3. Kuldeep @ Buntty

-----Respondents

For Petitioner(s) : None present
For Respondent(s) : Mr. A.R. Choudhary, P.P.

HON'BLE MR. JUSTICE FARJAND ALI

Order

28/03/2023

By way of filing the instant criminal revision petition, a challenge has been made to the judgment dated 01.02.2016 passed by ACJM No.2, Udaipur in Criminal Regular Case No.426/2005 whereby the accused respondents were convicted for the offences under Sections 323, 325 and 504 of IPC. While taking a lenient view instead of sending them to jail, the benefit of probation was extended in their favour. They were also directed to pay a total of Rs.600/- as a cost of proceeding.

Aggrieved by the said judgment, the petitioner, who happens to be complainant of the case, preferred an appeal before the learned Sessions Judge, which has been decided vide judgment dated 13.01.2020 passed by Additional Sessions Judge No.5,

Udaipur. The learned appellate Court though maintained the finding of conviction and order of granting probation but directed to pay Rs.10,000/- as a compensation to be given to the victim Chamanlal who is the petitioner in this case.

Both the judgments are under assail by this Court.

The mater came up for consideration before the co-ordinate Bench of this Court on 03.12.2021 but on that day, the petitioner was not present and therefore it was observed that if the petitioner would not appear to argue the matter, the revision petition shall be dismissed. Thereafter, the matter was adjourned for one and the other reasons but nobody appeared to represent the petitioner. The matter was listed before this Court last on 15.12.2022 but on that too no one was present to represent the petitioner. Thereafter again on 03.01.2023 none was present even in the second round to pursue the cause of the petitioner.

I have gone through the judgment passed by learned trial Judge and thereafter by the learned appellate Court, it appears that the learned trial Judge has meticulously examined the evidence brought on record and after hearing the parties on the point of sentence and considering the overall facts and circumstances of the case as well as ambit and scope and the object of probation of Offenders Act, deemed it appropriate to extend the benefit of probation to the accused respondents.

The appellate Court took a further lenient view in favour of the petitioner and in addition to what has been passed by the learned trial Court, the learned appellate Court deemed it appropriate to direct the accused respondents to deposit a sum of Rs. 10,000/- as an amount of compensation. The judgment

passed by the Court below are well reasoned and speaking judgment, leaving no room for interference. Otherwise also, there is no right available to the complainant to make a plea for enhancement of sentence. The finding of guilt and order of sentence passed by the learned trial Court has been meticulously examined by the learned appellate Court and thus, no further grounds are present to seek interference of this Court in revisional jurisdiction while examining the legality, correctness and propriety of judgment of conviction and order of sentence. This Court is satisfied that no illegality or impropriety has been committed by the Court below and therefore, the judgment passed by the Court below deserve to be maintained.

Accordingly, the instant revision petition is dismissed as being devoid of any force.

(FARJAND ALI),J