

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Appeal No. 537/1984

Hukam Singh S/o Shri Tej Singh, B/c Jat, R/o Village Basawa
Bansi, P.S. Mandawar, Distt. Sawai Madhopur (Raj.)
At present accused is in Central Jail, Jaipur.

----Appellant

Versus

The State of Rajasthan through Government Advocates.

----Respondent

For Appellant(s) : Mr. S.C. Gupta
For State : Mr. Sudesh Saini, PP

HON'BLE MR. JUSTICE PANKAJ BHANDARI

Judgment / Order

28/02/2019

1. Appellant has preferred this Criminal Appeal aggrieved by judgment and order dated 28.11.1984 passed by Additional Sessions Judge, Gangapur City, whereby appellant has been convicted for offence under Section 363 I.P.C. and has sentenced to undergo three years rigorous imprisonment and a fine of Rs.500/-. On non payment of fine, he is required to undergo further six months rigorous imprisonment.
2. After arguing at some length, counsel for the appellant does not press the present appeal on merits. It is contended by counsel for the appellant that co-accused was acquitted by the Court and appellant was acquitted for offence under Section 376 and 366 of I.P.C. The only contention of counsel for the appellant is that matter is of year 1983. Appellant has remained in custody for a

period of about 13 months, hence, his sentence be reduced to the period already undergone by the appellant.

3. Learned Public Prosecutor has opposed the present Criminal Appeal.

4. I have considered the contentions.

5. Taking note of the fact that matter is of year 1983 and period of 36 years has lapsed; appellant was acquitted for offence under Section 376 and 366 of I.P.C. and has already remained in custody for a period of 13 months, no purpose would be served in now asking him to undergo the remaining period of sentence, I deem it proper to partly allow the present Criminal Appeal.

6. The present Criminal Appeal is accordingly partly allowed. While upholding the judgment and order, the sentence is reduced to the period already undergone by the appellant.

7. Record of the Court below be returned forthwith. Bail bonds shall stand cancelled.

(PANKAJ BHANDARI),J.

Amit/6

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