

Alam and Others

Vs

State of Rajasthan

Criminal Appeal No. 253 of 1973

(Jaswant Singh, P. S. Kailasam JJ)

24.01.1979

JUDGMENT

KAILASAM, J. –

1. This appeal by special leave is preferred by three appellants Alam, Tahar and Latif against the conviction and sentence imposed by the High Court of Judicature of Rajasthan at Jodhpur in Criminal Revision 359 of 1971 for an offence under Section 2 of the Rajasthan Preservation of Certain Animals Act, having slaughtered a cow belonging to one Lala.
2. A complaint was lodged by PW 1 Brij Lal on November 22, 1968 at the Police Station Serhwa that he had learnt that the appellants had killed three or four cows on the Diwali day and had eaten the meat which was distributed amongst themselves. So far as the present case is concerned, the appellants along with one Lala were put up for trial and the Assistant Sessions Judge accepted the evidence of PW 2 Subhan and an extra judicial confession spoken were charged and sentenced them two years' RI and fine of Rs. 200 in default three months' RI. An appeal by the appellants to the learned Sessions Judge failed. A revision was preferred to the High Court. The High Court decline to place any reliance on the evidence of PW 10 but acting on the evidence of PW 2 along with PW 1 Brij Lal who gave FIR, accepted the case of the prosecution and confirmed the conviction and sentences imposed on them by the trial Court.
3. We have been taken through the judgment of the High Court and the relevant part of evidence in the case. We do not see any ground for not agreeing with the appreciation of the evidence by the courts below. The prosecution case is clearly made out. But taking into account the fact that the offence was committed as long ago as November 1968 and the conviction by the trial Court was committed as long ago as November 1968 and the conviction by the trial Court was in 1970, we do not think that we will be justified in sending back the appellants to jail. While, therefore confirming the conviction of the appellants, we reduce the period of imprisonment to the period already undergone and impose a fine of Rs. 300 in addition to the fine of Rs. 200 already imposed on them by the courts below. In default of payment of fine, the appellants will undergo further imprisonment for a period of six months. Fine to be paid within three months. With this modification of the sentence, the appeal is dismissed.

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