

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2298 OF 2014

RATNA @ RATAN LAL AND ANOTHER Appellants

Versus

STATE OF RAJASTHAN Respondent

J U D G M E N T

Uday U. Lalit, J.

1. This appeal by special leave to appeal arises out of final judgment and order dated 06.02.2014 passed by the High Court of Judicature for Rajasthan at Jodhpur in Criminal Revision Petition No.165 of 1995 by which the High Court was pleased to dismiss the revision and affirm the view taken by the Special Judge SC/ST, Udaipur in Criminal Appeal No.84 of 1992.

2. This matter arises out of FIR No.1 of 1988 registered on 06.01.1988 under Section 454 and 380 of the Indian Penal Code (for

short “the IPC”) with Police Station, Fateh Nagar, pursuant to PW14 Rupa submitting a report regarding theft at his house situate in village Lakha Ka Kheda on 31.12.1987. It was reported that some unknown persons had committed theft at his house by breaking open the lock and that some pieces of silver and gold jewellery were stolen. In the further report submitted on the same day it was stated that the value of the articles and cash which was stolen were to the tune of Rs.64,000/-. The complainant PW14 Rupa suspected Ratna who is appellant No.1 herein. During the course of investigation Appellant Nos.1 and 2, namely, Ratna and Uda were arrested and pursuant to their statements under Section 27 of the Evidence Act, namely, Ext.P15 and P16 respectively, the stolen articles were recovered.

3. In the trial the prosecution examined fourteen witnesses to bring home the charge under Section 454 and 380 of the IPC against – Ratna and Uda. Accepting the case of the prosecution and holding *inter alia* that the recovery of stolen articles stood proved, the learned trial court convicted both the accused under Sections 454 and 380 IPC and sentenced them to undergo rigorous imprisonment for 3 years and 7 years respectively on aforesaid counts with imposition of fine of Rs.2500/- against each of the accused on both counts, with further

sentence of six months simple imprisonment in default of payment of fine. It was ordered that both the sentences shall run concurrently. In the appeal preferred by both the accused, the learned Special Judge, SC/ST ANP, Udaipur affirmed the conviction on both counts but reduced the sentence to two years and five years respectively on each of the aforesaid counts maintaining the quantum of fine and sentence in default. The revision preferred by both the accused before the High Court was dismissed maintaining the conviction and sentence as recorded by the appellate court which led to the filing of the present appeal by special leave.

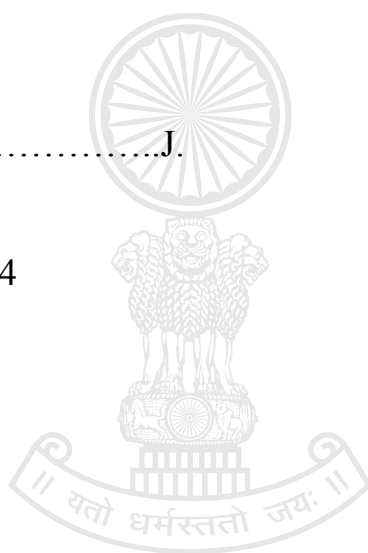
4. We have heard Ms. Aishwarya Bhati, learned counsel for the appellants and Mr. Rajeev Kr. Singh, learned counsel appearing for the respondent – State. Having gone through the record with the assistance of the learned Advocates, we are not persuaded to take a different view on the issue of conviction of the appellants. We, however, deem it appropriate, in the light of the facts of the case, including the length of time the matter has taken, to reduce the sentence to one year for the offence under Section 454 IPC and 18 months for the offence under Section 380 IPC, maintaining the sentence of fine and default sentence, as recorded by the courts below.

Substantive sentences on both counts shall run concurrently. The appeal stands partly allowed in the aforesaid terms.

.....J.
(Dipak Misra)

.....J.
New Delhi,
November 14, 2014

(Uday Umesh Lalit)



JUDGMENT