



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

S.B. Criminal Appeal (Sb) No. 196/2026

Bhakar Ram S/o Teja Ram, Aged About 52 Years, R/o Raika Bagh, riyabadi, Police Station Padukalla, District Nagaur. (At Present Lodged At District Jail Nagaur)

-----Appellant

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Appellant(s) : Mr. Kshitij Vyas for
Mr. Mukesh Kumar Trivedi
For Respondent(s) : Mr. NS Chandawat, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

02/02/2026

1. The instant appeal under Section 374 of the Cr.P.C. has been preferred by the appellant being aggrieved of the judgment dated 02.12.2025 passed by the learned Sessions Judge, Merta in Sessions Case No.05/2024, whereby the learned judge convicted the appellant for the offence under Section 379 of IPC and sentenced him to undergo 3 years' RI with a fine of Rs.10,000/- and in default of payment to further undergo 1 month SI.

2. Bereft of elaborate details, facts relevant and essential for disposal of the instant criminal appeal are that complainant Iqbal Mohd. Lodged a report at police station Merta and stating that he is posted as Assistant Post Master at Merta, he came at Merta from his village and parked his motor cycle at office parking and after completing his duty he return back at village, at that time his



vehicle was not found. The police registered FIR No.348/2023 under Section 379 of IPC and after usual investigation filed the charge-sheet under Section 379, 411 & 413 of IPC against the appellant before trial court.

3. The Learned Magistrate framed charges against the appellant for the above offences and upon denial of guilt by him, commenced the trial. During the course of trial, the prosecution in order to prove the offences, examined as many as 13 witnesses and exhibited some documents. The accused, upon being confronted with the prosecution allegations, in his statement under Section 313 CrPC, denied the allegations and claimed to be innocent. Then, after hearing the learned Public Prosecutor and the learned Defence Counsel and upon meticulous appreciation of the evidence, learned trial court convicted the accused for the offence as aforesaid.

4. After arguing the case on merits to some extent, learned counsel appearing for the appellant submits that he will not assail conviction of the appellant and confines his arguments to the alternative prayer of granting the benefit of probation to the appellant. The appellant is sole earner of the family and has been acquitted from charges under Section 411 & 413 of IPC. The appellant shall be reformed if he is given a chance. With these submissions, learned counsel prays that by taking a lenient view, the appellant may be given the benefit of probation.





5. Learned public prosecutor has, of course, been able to defend the case on merits but does not refute the fact that the appellant has remained behind the bars for some time and that it was the first criminal case registered against the appellant.

7. Since the appeal against conviction is not pressed and after perusing the material, nothing is noticed which requires interference in the finding of guilt reached by learned trial court and affirmed by the appellate court, this court does not wish to interfere in the judgment of conviction. Accordingly, the judgment of conviction is maintained.

8. As far as the question of quantum of sentence is concerned, it is worthwhile to note that :

- (1) The appellant is not a habitual offender and there is nothing on record to showing his conviction in any other criminal case;
- (2) The case involves the offences under Sections 379 of the IPC.
- (5) There is no report regarding any untoward behaviour of the appellant during the period of bail.

9. In the peculiar facts and circumstances of the case and considering the aforementioned mitigating circumstances, this court is of the considered opinion that a reformatory approach should be adopted in the present case. Thus, this court while taking lenient view towards appellant, thinks it fit that instead of sentencing him at once to any punishment, he should be released under Section 4 of the Probation of Offenders Act, 1958.





10. Accordingly, the appeal is allowed in part. The judgment of conviction dated 02.12.2025 passed by the learned Sessions Judge, Merta in Sessions Case No.05/2024 is affirmed. However, the order of sentence stands modified in the manner that the appellant is granted benefit of probation under Section 4 of the Probation of the Offenders Act upon his furnishing a personal bond in the sum of 25,000/- with one surety in the like amount, for a period of two years with an undertaking to appear and receive sentence as and when called upon by the court, in case of default of any term and condition of the probation bond and to keep peace and be of good behaviour during such period of two years from the date of his entering into such bond. The bonds be furnished before the learned trial Court. The amount of fine as imposed by the trial Court shall be deposited by the appellant within a period of 90 days from the date of this order. The appellant is on bail. He shall be released on probation forthwith, if not wanted in any other case, upon satisfying the aforementioned requirements.

11. The application seeking suspension of sentence and all other pending applications are disposed of.

(FARJAND ALI),J

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