

Supreme Court of India

Alam And Ors. vs State Of Rajasthan on 24 January, 1979

Equivalent citations: AIR 1980 SC 1657, 1980 CriLJ 1248, 1980 Supp SCC 694, 1979 WLN 273

Author: P Kailasam

Bench: J Singh, P Kailasam

JUDGMENT P.S. 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 No. 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 P.W. 1 Brij Lal on 22nd November, 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 P.W. 2 Subhan and an extra-judicial confession spoken to by P.W. 10 and found the appellants guilty of the offences with which they were charged and sentenced them to two years' R.I. and fine of Rupees 200/- in default three months' R.I. An appeal by the appellants to the learned Sessions Judge failed. A revision was preferred to the High Court. The High Court declined to place any reliance on the evidence of P.W. 10 but acting on the evidence of P.W. 2 along with P.W. 1 Brij Lal who gave F. I. R., 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 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 Rupees 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.