

Date of Order	Revision/LR /5374/2005/Tonk Jamna Lal Vs. State of Rajasthan	
30.11.2018	<p data-bbox="565 344 1026 424" style="text-align: center;"><u>S.B.</u> Shri Rajinder Kumar, Member</p> <p data-bbox="360 542 1058 677">Argued by : Smt. Poonam Mathur, counsel for the Revisionist. Shri Sunil Pareek, counsel for the Respondent.</p> <p data-bbox="760 693 831 720" style="text-align: center;">* * *</p> <p data-bbox="662 801 928 838" style="text-align: center;"><u>J U D G M E N T</u></p> <ol data-bbox="360 892 1237 2397" style="list-style-type: none">1. This revision petition has been preferred against the order dated 24.10.2005 of the learned District Collector, Tonk whereby the application for suspension of sentence of the revisionist submitted alongwith the appeal was dismissed.2. I have heard the learned counsels.3. On behalf of the revisionist, it was submitted that vide order dated 8.09.2005, the revisionist had been found guilty of unauthorisedly occupying the Government land and therefore, under section 91 of the Land Revenue Act, 1956 he has been sentenced to undergo 60 days' civil imprisonment. The revisionist preferred an appeal against the above order in the court of District Collector, Tonk. Alongwith the appeal, an application for suspension of the operation of the impugned order was also submitted. However, the learned District Collector, Tonk vide impugned order dated 24.10.2005, illegally dismissed the said application. The revisionist has already removed the encroachment over the disputed land and in future also he will not make any	

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	<p>encroachment over the Government land. If the operation of the impugned order is not stayed, the revisionist may be sent to jail for suffering the civil imprisonment and the whole purpose of filing the appeal would be frustrated. Therefore, a prayer has been made to accept the revision petition and to stay the operation of the order of the trial court till pendency of the first appeal.</p> <p>4. Learned Dy. Government Advocate has submitted that in view of the statement made at Bar by the learned counsel for the revisionist that the encroachment has been removed by the revisionist, a lenient view may be taken.</p> <p>5. In view of above submissions and without expressing any opinion on the merits of the case, the revision petition is partly accepted and the order of imprisonment passed by the trial court against the revisionist is stayed till the decision of appeal pending in the court of District Collector, Tonk. The learned District Collector is directed to decide the appeal itself within a period of one month from the date of receipt of this order.</p> <p>6. Copy of this order be immediately sent to the courts below for information and compliance.</p> <p>Pronounced. File be consigned.</p> <p style="text-align: right;">(Rajinder Kumar) Member</p>	