

**HIGH COURT OF TRIPURA
AGARTALA
CRL. REV. P NO.22 OF 2022**

Sanjoy Das,
S/o- Lt. Sukumar Das,
Resident of Village-Laljuri,
P.S.-Kumarghat, District- Unakoti,
Tripura, Age-46.

..... **Petitioner(s)**

Vs.

The State of Tripura.

..... **Respondent(s).**

For the Appellant(s) : Mr. S. Bhattacharjee, Advocate.
Mr. K. Nath, Advocate.

For the Respondent(s) : Mr. S. Ghosh, Addl. P.P.

Date of hearing and delivery of
Judgment & Order : 21.07.2023

Whether fit for reporting : YES/NO.

HON'BLE MR JUSTICE T. AMARNATH GOUD

JUDGMENT AND ORDER(ORAL)

This present Criminal Revision Petition has been filed under Section 397(1) read with Section 401 of Cr.P.C. against the impugned judgment dated, 30.03.2022 passed by the learned Sessions Judge, Unakoti District, Kailashahar, in case No. Criminal Appeal No-7(3) of 2019, whereby the learned Sessions Court upheld the conviction and sentence of the petitioner under Section 326/341 of IPC, returned by the learned Chief Judicial Magistrate, Unakoti District, Kailashahar, in PRC(WP)85 of 2016 wherein the petitioner has been sentenced to suffer SI for 1(one) month with a

fine of Rs.500/- for the commission of offence punishable under Section 341 of IPC, with default stipulation. Further sentenced to suffer RI for 3 years with a fine of Rs.25,000/- for the commission of offence punishable under Section 326 of IPC with default stipulation.

2. The brief fact of this case is that on 21.04.2016 at about 08:00 pm at a place, in front of a rubber garden, at Laljuri, Radhagovindapur on Demdum road, the petitioner-Sanjay Das voluntarily caused grievous hurt to the victim Sri Apu Shabdakar by a broken piece of glass bottle. It is further alleged that on the same date, time, and place the petitioner in order to commit the said offence wrongfully restrained the victim, who was returning from Demdum market to Laljuri along the said road, accompanied by Sri Govinda Sabdakar and Sri Manindra Sabdakar. Due to the assault, the victim sustained grievous injuries on his person and he was taken to Kanchanbari PHC. On 23.04.2016 at about 10.10 hours the informant-complainant Sri Rasamay Shabdakar lodged FIR with the O/C, Fatikroy PS against the petitioner herein, and O/C, Fatikroy PS after making GD entry forwarded the FIR to O/C, Kumarghat P.S. Based on which KGT PS case No. 023/2016 under Sections 341/324/325 of IPC was registered. On conclusion of the investigation, I.O. of the case namely ASI Sri Monoranjana Namasudra submitted charge sheet No 32/2016 against the accused petitioner herein on 25.06.2016 under Sections 341/326

of IPC. Cognizance of the offence was taken by the then-learned CJM, Unakoti, Kailashahar on 08.09.2016 and the charge was framed under Section 341/326 of IPC.

3. During the trial, the prosecution induced as many as 11 witnesses and they were recorded as P.W.-1 to P.W.-11. Defence did not adduce any evidence. The prosecution also exhibited some documents which were marked as Exbt-1 to Exbt-6/1.

4. On 23.12.2016 and after conducting trial learned Trial Court convicted the appellant and also sentenced him, as indicated above.

5. Against the aforesaid Judgment dated 10.06.2019, the petitioner preferred criminal appeal vide CrI. Appeal No.07(3) of 2019 before the learned Sessions Court, Unakoti District, Kailashahar. Vide Judgment dated 30.03.2022, the learned Sessions Judge upheld the conviction passed by the learned CJM Kailashahar, Unakoti District.

6. Being aggrieved and dissatisfied with the Judgment dated 30.03.2022 passed by the learned Sessions Judge, Unakoti District affirming the Judgment dated 10.06.2019, passed by the learned CJM Kailashahar, Unakoti, Tripura, the petitioner has preferred this appeal seeking the following reliefs:-

- " a) Issue Notice upon the respondent;
- b) Heard the both sides.
- c) Call for the records
- And

Allow the instant petition, filed under Section 397 read with Section 401 of Cr.P.C. by quashing and setting aside the impugned judgment, dated 30.03.2022 passed by the L'D Sessions Judge, Unakoti District, Kailashahar, in Case No.Criminal Appeal No-7(3) of 2019, whereby the L'd Sessions Court upheld the conviction & sentence of the petitioner U/s-326/341 of IPC, returned by the L'd Chief Judicial Magistrate, Unakoti District, Kailashahar, in PRC(WP)85 of 2016 & sentenced him to suffer SI for 1 month with fine of Rs.500 for commission of offence punishable U/s 341 of IPC, in default to pay the sentence of fine, to suffer SI for 1 month & in further sentenced to suffer RI for 3 years with fine of Rs.25,000/- for the commission of offence punishable U/s-326 of IPC, in default to pay the sentence of fine, to suffer SI for 1 year.

The Hon'ble High Court may also pas any further Order/Orders as may be considered fit and proper so that, the petitioner may be released and acquitted honourably."

7. Heard Mr. S. Bhattacharjee, learned counsel appearing for the petitioner as well as Mr. S. Ghosh, learned Addl. P.P. appearing for the respondent.

8. Mr. S. Bhattacharjee, learned counsel appearing for the petitioner submits before this Court that the Courts below failed to establish the motive relating to the alleged incident as well as the involvement of the petitioner. The deposition of the prosecution witnesses contradicts each other. The learned Courts below failed to appreciate that ocular evidence of P.W.-1, P.W.-2, and P.W.-3 is not supported by the evidence of P.W.10, the Medical Officer. The evidence of P.W.11, the I.O. of the case is not corroborated by the evidence of P.Ws-1,2,3 & 4. P.Ws-1 and 2 are the interested witnesses and their evidence regarding assault and identification of the petitioner is not proved. There was a delay in lodging the FIR and the reason for the same was not explained. The learned Courts below failed to appreciate the law of identification. There are major omissions/contradictions between

the evidence of oral evidence as well as medical evidence. The petitioner is entitled to benefit the doubt as there is inconsistency between the depositions of the witnesses. He further stated that the petitioner has no antecedent criminal record before this incident. Stating thus learned counsel urged this Court to allow the appeal.

9. On the other hand, Mr. S. Ghosh, learned Addl. P.P. appearing for the State-respondent submits that there are concurrent findings and Courts below have given sufficient explanation while passing the impugned Judgment and Order. The statements of the prosecution witnesses are not shaken, the victim and the eyewitnesses corroborate the incidents. Further, the medical evidence proves that the victim was attacked by the accused which caused grievous injury. Identification of the accused-appellant here is not under contradiction as the same has been done as per the prescription made down under law.

To support his argument on the advantages of the Trial Court in appreciating the evidence and other aspects, learned Addl. P.P. cited **Para-16, 17, 29 and 67 to 71** of the Hon'ble Apex Court Judgment reported in **(2010) 12 SCC 324** titled as **State of Uttar Pradesh Vs. Krishna Master and ors** which is reproduced herein-under:-

" 16. If the court before whom the witness gives evidence had the opportunity to form the opinion about the general tenor of the evidence given by the witness, the appellate court which had not this benefit will have to attach due weight to the appreciation of evidence by the Trial Court and unless the reasons are weighty and formidable, it would not be proper for the

appellate court to reject the evidence on the ground of variations or infirmities in the matter of trivial details. Minor omissions in the police statements are never considered to be fatal. The statements given by the witnesses before the Police are meant to be brief statements and could not take place of evidence in the court. Small/trivial omissions would not justify a finding by court that the witnesses concerned are liars. The prosecution evidence may suffer from inconsistencies here and discrepancies there, but that is a short-coming from which no criminal case is free. The main thing to be seen is whether those inconsistencies go to the root of the matter or pertain to insignificant aspects thereof. In the former case, the defence may be justified in seeking advantage of incongruities obtaining in the evidence. In the latter, however, no such benefit may be available to it.

17. In the deposition of witnesses, there are always normal discrepancies, howsoever, honest and truthful they may be. These discrepancies are due to normal errors of observation, normal errors of memory due to lapse of time, due to mental disposition, shock and horror at the time of occurrence and threat to the life. It is not unoften that improvements in earlier version are made at the trial in order to give a boost to the prosecution case albeit foolishly. Therefore, it is the duty of the Court to separate falsehood from the truth. In sifting the evidence, the Court has to attempt to separate the chaff from the grains in every case and this attempt cannot be abandoned on the ground that the case is baffling unless the evidence is really so confusing or conflicting that the process cannot reasonably be carried out. In the light of these principles, this Court will have to determine whether the evidence of eye-witnesses examined in this case proves the prosecution case.

29. At this stage, it would be well to recall to the memory the weighty observations made by this Court as early as in the year 1988 relating to appreciation of evidence and the duties expected of a Judge presiding over a criminal trial. [In State of U.P. v. Anil singh](#), AIR 1988 SC 1998, it is observed as under :

"In the great majority of cases, the prosecution version is rejected either for want of corroboration by independent witnesses, or for some falsehood stated or embroidery added by witnesses. In some cases, the entire prosecution case is doubted for not examining all witnesses to the occurrence. The indifferent attitude of the public in the investigation of crimes could also be pointed. The public are generally reluctant to come forward to depose before the Court. It is, therefore, not correct to reject the prosecution version only on the ground that all witnesses to the occurrence have not been examined. It is also not proper to reject the case for want of corroboration by independent witnesses if the case made out is otherwise true and acceptable. With regard to falsehood stated or embellishments added by the prosecution witnesses, it is well to remember that there is a tendency amongst witnesses in our country to back up a good case by false or exaggerated version. It is also experienced that invariably the witnesses add embroidery to prosecution story, perhaps for the fear of being disbelieved. But that is no ground to throw the case overboard, if true, in the main. If there is a ring of truth in the main, the case should not be rejected. It is the duty of the Court to cull out the nuggets of truth from the evidence unless there is reason to believe that the inconsistencies or falsehood are so glaring as utterly to destroy confidence in the witnesses. It is necessary to remember that a Judge does not preside over a criminal trial merely to see that no innocent man is punished. A Judge also presides to see that a guilty man does not escape. One is as important as the other. Both are public duties which the Judge has to perform.

47. It is well known principal of law that reliance can be placed on the solitary statement of a witness if the court comes to the conclusion that the said statement is the true and correct version of the case of the prosecution. The courts are concerned with the merit and the statement of a particular witness and not at all concerned with the number of witnesses examined by the prosecution. The time-honoured rule of appreciating evidence is that it has to

be weighed and not counted. The law of evidence does not require any particular number of witnesses to be examined in proof of a given fact. However, where, the court finds that the testimony of solitary witness is neither wholly reliable nor wholly unreliable, it may, in given set of facts, seek corroboration but to disbelieve reliable testimony of a solitary witness on the ground that others have not been examined is to do complete injustice to the prosecution.

67. *Law requires FIR to contain basic prosecution case and not minute details. The law developed on the subject is that even if an accused is not named in the FIR he can be held guilty if prosecution leads reliable and satisfactory evidence which proves his participation in crime. Similarly, the witnesses whose names are not mentioned in the FIR but examined during the course of trial can be relied upon for the purpose of basing conviction against the accused. Non-mentioning of motive in the FIR cannot be regarded as omission to state important and material fact. As a principle, it has been ruled by this Court that omission to give details in the FIR as to manner in which weapon was used by accused is not material omission amounting to contradiction. Further, this is a case wherein FIR was filed by a rustic man and, therefore, non-mentioning of motive in the FIR cannot be attached much importance.*

68. *In CBI V. Tapan Kumar Singh, it has been held by this Court that mere absence of indication about source of light in the FIR for identifying assailants does not, in any way, affect prosecution version. The FIR is not the last words in the prosecution case and in some cases detailed FIR could be a ground for suspicion. What is relevant to find out is whether the FIR was lodged promptly and whether it is actuated by mala fides.*

69. *The record of this case indicates that FIR regarding gruesome murder of six persons was filed promptly and without any avoidable delay and, therefore, false implication of any of the respondents in such a grievous case stands ruled out. There is nothing on the record to show that FIR was result of deliberation by the first informant with other persons. As the FIR was lodged promptly, the informant, i.e., Jhabbulal's evidence containing minor variations not affecting substratum of prosecution story cannot be discarded on the ground that motive which prompted the respondents to kill six persons was not mentioned in the FIR.*

70. *Further, it is well settled that the prosecution is not supposed to prove motive when prosecution relies on direct evidence, i.e., evidence of eye-witnesses. In this case, the prosecution has examined first informant as PW1 who has lost his brother in the incident as well as PW2 Madan Lal who lost five members of his family. Their evidence is found to be trustworthy and unimpeachable. As observed earlier, their evidence does not suffer from major contradiction and/or improvements nor noticeable embellishment have been made by them. As the prosecution has led acceptable eye-witnesses account of the incident, this Court is of the firm opinion that failure to establish motive would not entitle the respondents to claim acquittal.*

71. *There is yet another evidence in form of oral dying declaration which implicates the respondents in the murder of six persons i.e. oral dying declaration made by deceased Baburam before his brother Jhabbulal. The High Court committed serious error in disbelieving the oral dying declaration made by deceased Baburam before his real brother Jhabbulal (PW1) implicating the respondents as his assailants. The reasons given by the High Court for disbelieving oral dying declaration was that it was not mentioned by witness Jhabbulal either in his FIR or in his statement recorded under [Section 161](#) of Cr.P.C. As observed earlier FIR need not be an encyclopedia of minute details of the incident nor it is necessary to mention therein the evidence on which prosecution proposes to rely at the trial. The basic purpose of filing FIR is to set the criminal law into motion and not to state all the minute details therein.*

On the point of 'motive' learned Addl. P.P. referred to **Paras- 15** of the Hon'ble Apex Court Judgment reported in **(2012) 10 SCC 476** titled as **Darbara Singh Vs. State of Punjab** which is reproduced herein-under:-

"15. So far as the issue of motive is concerned, it is a settled legal proposition that motive has great significance in a case involving circumstantial evidence, but where direct evidence is available, which is worth relying upon, motive loses its significance. In the instant case, firstly, there is nothing on record to reveal the identity of the person who was convicted for rape, there is also nothing to reveal the status of his relationship with the appellant and further, there is nothing on record to determine the identity of this girl or her relationship to the co-accused Kashmir Singh. More so, the conviction took place 20 years prior to the incident. No independent witness has been examined to prove the factum that the appellant was not on talking terms with Kashmir Singh. In a case where there is direct evidence of witnesses which can be relied upon, the absence of motive cannot be a ground to reject the case. Under no circumstances, can motive take the place of the direct evidence available as proof, and in a case like this, proof of motive is not relevant at all.

10. Heard both sides and perused the evidence on record.
11. Now let us examine some important witnesses.
- 11.1. P.W.-1 Sri Apu Sabdakar, the victim, deposed that the informant-complainant of this case, namely, Sri. Rashamoy Sabdakar is his father and his father had lodged an FIR with the O.C. of Fatikroy O.P. under Kumarghat P.S against the accused Sri. Sanjoy Das. P.W.-1 deposed that on 21.04.2016 at about 08.00 P.M. he along with Sri Govinda Sabdakar and Sri Manindra Sabdakar were returning towards their house from Demdum market and on the way towards their house when they reached Laljuri, Radhagovindapur on Demdum Road suddenly the accused Sri Sanjoy Das appeared in front of them. P.W.-1 also deposed that he could identify the accused with the help of torchlight and

also there was moonlight. P.W.1 also deposed that thereafter all of a sudden the accused petitioner had assaulted him on his head with a glass bottle resulting which he had sustained grievous bleeding injuries on his head. P.W.-1 also deposed that thereafter the accused had stabbed him with a broken piece of glass bottle in his abdomen resulting which he had sustained grievous bleeding injuries in his abdomen. P.W.-1 also deposed that he was bleeding profusely. P.W.-1 also deposed that thereafter he had fainted at the spot. P.W.-1 also deposed that when he regained his consciousness he found himself to be lying at Kanchanbari Hospital. P.W.-1 also deposed that after he regained his consciousness he came to learn that he was brought to the hospital by Sri. Barindra Deb and others by an auto rickshaw. P.W.-1 also deposed that he remained admitted at the said hospital for about 5/6 days and undertook treatment there. P.W.-1 further deposed that he also undertook the treatment of his injuries at a hospital in Silchar. P.W.-1 also deposed that he is acquainted with the accused as he is his neighbour. P.W.1 also deposed that the place where the occurrence took place is an abandoned place and there is no house surrounding the place of occurrence.

During the cross-examination, P.W.-1 stated that at the time of occurrence, he was wearing a T-Shirt and a pant. P.W.-1 also stated that he was examined by the investigating officer.

P.W.1 also stated that he fainted at the spot soon after the occurrence and he regained consciousness at the hospital. P.W.1 also stated that he was bleeding profusely as a result of the occurrence. P.W.1 also stated that he had not stated to the IO that he had identified the accused in the moonlight.

11.2. PW.2 Sri. Govinda Sabdakar deposed that the victim Sri Apu Sabdakar is his brother-in-law. P.W.2 also deposed that he is acquainted with the accused-Sanjoy Das. P.W.2 also deposed that on 21.04.2016 at about 08.00 PM he along with the victim Sri Apu Sabdakar and Sri Manindra Sabdakar were returning towards their house from Demdum market and on the way towards their house when they reached at Laljuri, Radhagovindapur on Damdum road, suddenly, the accused Sri. Sanjoy Das appeared in front of them. P.W.2 deposed that he could identify the accused with the help of torchlight which was being carried by the victim Sri Apu Sabdakar. PW.2 deposed that there was also moonlight then. P.W.2 deposed that thereafter all of a sudden the accused had assaulted the victim Sri Apu Sabdakar on his head with a glass bottle resulting which he (victim) had sustained grievous bleeding injuries on his head. P.W.2 deposed that thereafter the accused had stabbed the victim with the broken piece of glass bottle in his abdomen resulting which he had sustained grievous bleeding injuries in his abdomen and he was bleeding profusely. P.W.2 also deposed that thereafter the victim had fainted at the spot. P.W.2

also deposed that thereafter he and Sri Manindra Sabdakar getting afraid had fled away leaving the victim at the spot. P.W.2 also deposed that the place where the occurrence took place is an abandoned place and there is no house surrounding the P.O. P.W.2 also deposed that subsequently, he came to learn that the victim was shifted to the Kanchanbari hospital by the local inhabitants of his village.

During the cross-examination, PW.2 stated that Smt. Jharna Sabdakar is his wife and his wife is the younger sister of Sri Apu Sabdakar. P.W.2 also stated that he cannot say who had taken the injured Apu Sabdakar to the hospital. P.W.2 also stated that he had left the victim at the place of occurrence and had fled away. P.W.2 also stated that he was not examined by the IO. PW.2 also stated that he had deposed in the Court for the first time. P.W.2 also stated that he had not given his statement to the IO on previous occasion.

11.3. P.W.3 Sri. Manindra Sabdakar deposed that he is acquainted with the informant complainant Sri Rasamoy Sabdakar and is also acquainted with the victim Sri Apu Sabdakar. P.W.3 also deposed that about 11 months back one day at about 08.00 PM he along with Sri Apu Sabdakar and Sri Govinda Sabdakar were returning towards their house from Demdum market and on the way towards their house when they reached near a rubber plantation in an abandoned place, suddenly, the accused Sri

Sanjoy Das appeared in front of them. P.W.3 also deposed that they could identify the accused with the help of torchlight which the victim Apu Sabdakar was carrying. P.W.3 also deposed that there was also moonlight then. P.W.3 also deposed that thereafter all of a sudden the accused had assaulted the victim Sri Apu Sabdakar on his head with a glass bottle resulting which he has sustained grievous bleeding injuries on his head and after that, the accused stabbed the victim (victim) with the broken piece of glass bottle in his abdomen resulting which he (victim) had sustained grievous bleeding injuries in his abdomen and the victim was bleeding profusely. P.W.3 also deposed that thereafter he and Sri Govinda Sabdakar getting afraid had fled away leaving the victim at the place of occurrence. P.W.3 also deposed that after fleeing away at a certain distance he had sent Sri. Govinda Sabdakar to the house of the victim Sri Apu Sabdakar for the purpose of informing his family members about the occurrence. P.W.3 also deposed that thereafter he raised hue and cry and having heard his screams two persons from the neighbourhood had rushed to the place where he was. P.W.3 also deposed that thereafter he had narrated the incident to them. P.W.3 also deposed that thereafter he accompanied by said two persons had arrived at the place of occurrence and found the victim Apu Sabdakar lying injured there with bleeding injuries. P.W.3 also deposed that thereafter he and the said two persons took the injured Apu Sabdakar to a house

that was about one km away from the place of occurrence. P.W.3 also deposed that there some bandage was applied on the affected area of the person of the victim with a piece of cloth. P.W.3 also deposed that thereafter from there the injured Apu Sabdakar was taken to the Kanchanbari Hospital by an auto-rickshaw. P.W.3 also deposed that on the date of occurrence, he came down to the house of the informant from Dharmanagar for the purpose of seeing a bride. P.W.3 also deposed that he is unable to identify the accused today.

During cross-examination, P.W.3 stated that the informant is his relative. P.W.3 also stated that he and Govinda Sabdakar did not try to detain the accused Sri Sanjoy Das and also they did not try to take the victim to the hospital at that time. P.W.3 also stated that at the relevant time of the occurrence, the victim was wearing a T-Shirt and a pant. P.W.3 also stated that he was examined by the IO. P.W.3 also stated that he stated to the IO that he came to the house of the informant on the date of occurrence from Dharmanagar for the purpose of seeing a bride. P.W.3 also stated that he stated to the IO that he had identified the accused Sri. Sanjoy Das with the help of torchlight and moonlight. PW.3 also stated that he stated to the I.O. that after fleeing away at a certain distance he had sent Sri Govinda Sabdakar to the house of Sri Apu Sabdakar for the purpose of informing his family members about the occurrence. He also

asserted to have stated to the IO that thereafter he raised hue and cry and having heard his screams two persons from the neighbourhood had rushed to the place where he was. P.W.3 also stated that he stated to the IO that thereafter he had narrated the incident to them. Thereafter he accompanied by said two persons had arrived at the place of occurrence and found the victim Apu Sabdakar was lying injured there with bleeding injuries and also asserted to have stated to the IO that thereafter he and the said two persons took the injured Apu Sabdakar in a house which was about 1 km away from the place of occurrence. He also asserted to have stated to the IO that there some bandage was applied on the affected area of the person of the victim with a piece of cloth. P.W.3 also stated that he stated to the IO that thereafter from there the injured Apu Sabdakar was taken to the Kanchanbari Hospital by an auto-rickshaw. P.W.3 also stated that he stated to the IO that he is not acquainted with any person by the name of Sanjoy.

11.4. PW.10 Dr. Mridul Das, the MO, deposed that on 21.04.2016 he was posted as Medical Officer, Kanchanbari PHC and on that date, he had examined one patient namely Sri Apu Sabdakar (victim) brought with a history of assault and upon examination of the said patient the following injuries were found:-

1. Cut injury about 5 cm into 2.5 cm in the abdomen of the said patient which injury was grievous in nature and was caused by sharp instrument.
2. Small cut injury over scalp of the said patient which injury was simple in nature. PW.10 also deposed that the said patient was given three stitches in his abdomen and dressing was also done on the cut injury over scalp.

PW.10 also deposed that after thorough examination of the said patient he had prepared the injury report of the said patient setting out there in his aforesaid observations. PW.10 also proved the injury report prepared by him together with his signatures thereon which, on being proved, was marked as Ext.3 (as a whole).

During the cross-examination, P.W.10 stated that he cannot say anything beyond the injury report prepared by him. P.W.10 also stated that in the injury report, the time of admission of the said patient in the PHC is not mentioned. P.W.10 also stated that he cannot say the exact time at which the said patient was brought to the hospital as the same is not mentioned in the injury report. PW.10 also stated that the said patient did not state to him that the injury was caused to him by a glass bottle. PW.10 also stated that at the time of examination of the said patient he was found conscious. P.W.10 also stated that cut injury is caused if a sharp instrument is penetrated inside any part of a human body.

P.W. 10 also stated that penetrating injury is likely to cause if someone is assaulted by a bottle. P.W.10 also stated that at the time of examination of the said patient he did not find any bandage being applied on the affected part of the person of the said patient. P.W.10 further stated that he cannot say on which date the said patient was discharged.

12. From the above discussion, it is evident that the evidence of P.W.-1, the victim, and the eyewitnesses i.e., P.W-2 and P.W.3 are unshaken and the crime is supported by the medical evidence report also which has been exhibited as Exbt-3. P.W.10, i.e., the medical officer also supports that there were injuries on the person of the victim.

13. The scope of interference is very limited in this present matter and since no case has been made out for interference, the Court rejects the case of the petitioner. However having regard to the fact that the petitioner is not having any criminal antecedents and taking a lenient view, the sentence of RI of 3(three) years imposed under Section 326 of IPC by the Court below is reduced to RI for 1(one) year. The remaining sentence and fine amount shall remain unaltered. The period already undergone in jail by the petitioner shall be computed and set off against the sentence imposed herein.

14. With the above observation and direction, this present revision petition is partly allowed in the terms stated above. As a sequel stay if any stands vacated. Pending application if any also stands closed.

JUDGE

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