

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 491 of 2015**

- Laxminath Chandrakar Son of Kunwarram Chandrakar Aged About 62 years R/o New Market, Rajhara, Police Station Dalli Rajhara, Civil & Revenue District Balod, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Dalli Rajhara, District Balod, Chhattisgarh

---- Respondent

For Petitioner:	Shri P.P. Sahu, Advocate.
For Respondent/State:	Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****16/07/2015**

(1) This is a revision filed by the accused/petitioner questioning the legality and correctness of the judgment affirming the conviction recorded and sentence awarded by the trial Magistrate for the offence under Section 4(A) of the Public Gambling Act, 1968 (henceforth 'PG Act') by which sentence of one month's rigorous imprisonment and fine of Rs.1,000/-, in default of payment of fine, to further undergo simple imprisonment for fifteen days was imposed upon him.

(2) After hearing learned counsel appearing for the parties and taking into consideration the evidence available on record, I do

not find any illegality in the conviction recorded by the trial Court as affirmed by the appellate Court holding that applicant is guilty for commission of offence under Section 4(A) of the PG Act, I hereby affirmed the same. Thus conviction part of the impugned judgment is maintained.

(3) The determination of the aforesaid question brings me to the question of reasonability of the sentence awarded by the trial Court as affirmed by the first appellate Court. The sentence awarded by the trial Magistrate for a period of one month and fine of ₹ 1,000/-, with default stipulation to the applicant has been maintained by the first appellate Court.

(4) At the outset, counsel for the applicant submits that the sentence which has been awarded to the applicant is of one month whereas he is languishing in jail from 23.06.2015 and, as such, he remained in jail for 24 days, which should be held to be sufficient.

(5) Considering the fact that that applicant has already faced a prolonged trial and suffered the trauma of uncertainty arising out of his conviction by the trial Court and the appellate Court in appeal. Besides that applicant has no criminal antecedents or involvement in any case and after conviction by the trial Magistrate he has not misused the liberty granted to him time to time by the trial Court, appellate Court and this Court; and the applicant is reported to have remained in jail for a period of 24

days, in my opinion, the ends of justice would be served if the substantive sentence, which the applicant has already gone is held sufficient.

(6) As a fall out and consequence of the aforesaid discussion, the revision is partly allowed. Conviction part of the impugned judgment is maintained. Applicant is reported to have remained in jail for a period of 24 days and therefore, his sentence is reduced to the period already undergone by him. Applicant be released forthwith, if not required in any other case

Sd/-
(Sanjay K. Agrawal)

Judge

D/-