

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.496 of 2003**

Ranjan Singh S/o Dharam Singh aged about 32 years Caste Parte (Aadiwasi)
Occupation Agriculturist R/o Gram Baijalpur Thana Bodla Tahsil Kawardha District
Rajnandgaon At Present Kabirdham Chhattisgarh

---- **Petitioner****Versus**

State of Chhattisgarh through District Magistrate Kabirdham Chhattisgarh

---- **Respondent**

For Petitioner	:	Smt. Renu Kochar, Advocate.
For Respondent	:	Smt. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Deepak Gupta, Chief Justice

Order on Board**15/07/2016**

1. The only point raised in this revision petition is that sentence be reduced to the period already undergone.
2. The case of the prosecution briefly stated is that the Petitioner alongwith other co-accused was serving in the Adam Jati Sewa Sahkari Samiti running a fair price shop at Baijalpur, District Kabirdham. The records of this fair price shop were inspected by PW-10 Krishna Kumar Jhulan, Cooperative Inspector and on physical verification, it was found that the stock did not match the register and false entries have been made in the register. On this basis, accused was charged. The trial Court convicted the accused for having committed an offence under Section 409 of the IPC but the Appellate Court held that it was not a case falling within under Section 409 of the IPC but under Section 408 of the IPC and reduced the substantive sentence from 2½ years to six months.
3. It is not disputed that the accused has already undergone imprisonment for 78 days. The occurrence took place in the year 1991 and it related to the

period 1989-90. More than 25 years have elapsed. At this stage to send the Petitioner behind bars again to undergo the sentence, would be highly unjust.

4. Keeping in view the facts of the case, order of the Learned lower Court below is modified to the limited extent that the substantial sentence imposed upon the Petitioner is reduced to the period of sentence already undergone by him.

5. The revision petition is allowed to this limited extent.

Sd/-
(Deepak Gupta)
Chief Justice