

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 646 of 2016

1. Ramzaan S/o Sheikh Dawal @ Pille Qureshi Aged About 24 Years
2. Sheikh Dawal @ Pille Qureshi S/o Fakir Mohd. Musalman Aged About 55 Years

Both R/o Ward No. 6, Sevtapara, Dongargaon, Police Station Dongargaon, Distt. Rajnandgaon Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Police Station Aa Ja Ka, Rajnandgaon Chhattisgarh.

---- Respondent

For Applicants	:	Shri Parag Kotecha, Advocate.
For Respondent/State	:	Shri Vaibhav A Gowardhan, PL.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

22/07/2016

1. Heard on IA No. 1, which is an application for condonation of delay in filing the revision.
2. For the grounds stated in the application, IA No.1 is allowed and delay in filing the revision is condoned.
3. With the consent of the parties the revision petition is heard finally.
4. The present revision petition is directed against the judgment dated 21.08.2015 passed by the Special Judge (Atrocities), Rajnandgaon, in Special Sessions Case No.9 of 2015. By the said judgment, the Applicants have been convicted for the offence under Sections 294

and 506-B IPC and sentenced to undergo RI for 1 month and 3 months with fine of Rs.100/-each respectively.

5. The case of the prosecution in brief is that, on 27.10.2014, the applicants came to the house of the complainant-Chaitram to purchase Goat. When the complainant asked money in lieu of said Goat, the applicants is said to have abused him by using filthy language, therefore offence were registered against the applicants.
6. After trial was concluded, the court below vide judgment impugned dated 21.08.2015 convicted the applicants as aforementioned in paragraph-2 of this order.
7. Learned counsel appearing for the applicants/accused would submit that the prosecution has absolutely failed to prove the offence beyond shadow of doubt. According to the appellant, there was no motive established for the commission of offence and therefore the impugned judgment be set aside/quashed. In the alternative, he would submit that the applicants have remained in Jail for a period of one month and 4 days whereas, the sentence awarded is of three months, and therefore, if the conviction is upheld by this Court, the sentence be reduced to the period already undergone by the applicants.
8. A perusal of prosecution witnesses as also the record clearly shows that infact the prosecution has been able to prove its case beyond reasonable doubts and that this court does not find any infirmity while the court below reached to the conclusion of offence being established and for convicting the applicants.

9. Accordingly, the conviction of the applicants for the offence under Sections 294 and 506-B IPC is maintained. However, taking into consideration the trivial issue on the basis of which the incident occurred, sentence part is interfered with and the applicants upon being convicted, sentence part is modified to the period already undergone by them. At the same time, fine amount of Rs.100/- each for the aforesaid offences as awarded by the court below is enhanced to Rs.1000/- each instead of Rs.100/- each.

10. The revision petition stands partly allowed to the above extent.

Sd/-
(P.Sam Koshy)
Judge