

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 463 of 2015

Judgment reserved on : 16.11.2016

Judgment delivered on : 02.12.2016

- Ravindra Das @ Kushal Singh, S/o Esha Das, aged abotu 47 years, Occupation : Service (Municipal Corporation Korba) R/o Qt No.LIG/113, Maharana Pratap Nagar, Korba, Police Station : Korba, Revenue and Civil District : Korba (CG)

---- Applicant (In jail)

Versus

- State of Chhattisgarh through Police Station : Ambikapur, District : Surguja (CG)

---- Respondent

For Applicant	:	Shri Sampurnank Gupta, Advocate on behalf of Shri PK Patel, Advocate
For Respondent/State	:	Shri Sanjeev Pandey, GA

Hon'ble Shri Justice Anil Kumar Shukla

CAV Judgment

1) This revision is directed against the judgment dated 27.05.2015 by which learned Sixth Additional Session Judge, Ambikapur, Surguja, district Surguja in Criminal Appeal No.19 of 2015 while confirming the judgment of conviction and order of sentence awarded by the Judicial Magistrate, Ambikapur in Criminal Case No. 5203 of 2013 on 21.04.2015, convicted the applicant for committing the offence punishable under Section 420 of the IPC, sentenced him to undergo RI for five years and to pay fine of Rs.10,000/-, in default of payment of fine, to further undergo RI for six months.

2) Prosecution story, in brief, is that complainant- Sanjay, who was resident of village Langaon had applied for the post of Constable and could not attend for the physical test even after receipt of call letter. In the month of September, when Sanjay met the present applicant, he introduced himself as PA to the Home Minister and asked Sanjay to pay Rs.50,000/-, if he wants job. Thereafter, present applicant received Rs.50,000/- from Sanjay in two instalments on 17th and 26th November, 2012 in a hotel, where he was staying, but did not provide him any job. When Sanjay came to know that he has been cheated, he reported the matter at Police Station, Ambikapur and after completion of investigation, the applicant was arrested.

3) I have heard learned counsel for the parties, perused the judgment impugned, copies of statements of the witnesses and other documents relevant to the present case.

4) Learned counsel for the applicant, at the outset, submitted that the applicant is not challenging his conviction, rather he only prays to take lenient view in respect of his sentence. He further submitted that age of the applicant at the time of incident was 47 years and this was his first offence. The applicant has completed three years four months of total sentence awarded to him. Therefore, he prays to reduce the sentence of the applicant imposed upon him to the period already undergone.

5) On the other hand, learned State counsel opposed the revision and submitted that the appellate Court has rightly

confirmed the judgment of the trial Court and supported the impugned judgment.

6) There is no dispute that age of the applicant at the time of the incident was 47 and he has completed more than three years of his sentence.

7) Considering all the facts and circumstances of the case and further considering age of the applicant and that he has completed more than three years of his total sentence, in my view, ends of justice would be met if the jail sentence is reduced to the period already undergone by the applicant.

8) On the basis of aforesaid discussion, the revision filed by the applicant is hereby partly allowed. The conviction of the applicant under Section 420 IPC is hereby maintained. However, the sentence of the applicant is reduced to the period already undergone by him. Fine amount imposed against him shall remain as it is meaning thereby, he shall pay fine amount of Rs.10,000/-, in default of payment of fine, to undergo six months additional RI.

9) It is stated that the applicant is in jail. He be set at liberty at once, if not required in any other case.

Sd/-
(Anil Kumar Shukla)
JUDGE