

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**(Single Bench : Hon'ble Shri Justice Ram Prasanna Sharma)****CRA No. 3090 of 1999**

- Devi Prasad s/o. Padhak Ram, aged about 28 years r/o. Gudiyari, in front of FCI Godown, Raipur, Dist. Raipur (M)

---- Appellant.**Versus**

- The State Of Madhya Pradesh (Now State of CG)

---- Respondent

For Appellant	:	Mrs. Indira Tripathi, Advocate.
For respondent/State.	:	Mr.Luv Sharma, Panel Lawyer

Judgment on board.

1-11-2017

1. This appeal is directed against the judgment of conviction and order of sentence dated 8-10-1999 passed by the Additional Sessions judge, Dhamtari, Sessions Division Raipur, in Sessions Trial No. 145 of 1992 wherein the said Court convicted the accused/appellant under Sections 458 and 395 of the IPC on admission and sentenced him to undergo RI for three years and RI for four years respectively.
2. As per prosecution case, the accused/appellant committed house night breaking with preparation to cause hurt to one Hussain Khan at Shyam Sunder Chiran Mill on 6-7-1991 at 1.00 pm and robbed Rs.3000/- and one torch.
3. Before the trial Court the accused/appellant admitted his guilt and is convicted by the said court as mentioned above.

4. As the accused/appellant has been convicted on admission, learned counsel for the appellant submits that the sentence imposed by the trial Court may be reduced to the period already undergone by him.
5. It appears from the record that accused appellant was arrested on 13-7-1991 and he was in custody till 29-8-1992. No minimum sentence is prescribed for offence under Sections 458 and 395 of the IPC.
6. Considering all the facts and circumstances of the case, the nature of offence and further taking into consideration the fact that the incident took place in the year 1991 i.e., 16 years and also considering the fact that the appellant already remained in jail for about more than one year, I am of the considered opinion that ends of justice would be served if the sentence imposed on him is reduced to the period already undergone by him while maintaining conviction.
7. Consequently, the appeal is partly allowed. Conviction of the appellant imposed on the appellant by the trial Court under Sections 458 and 395 of the IPC is hereby affirmed, but the sentence imposed on the appellant by the trial Court is modified and now he is sentenced to undergo imprisonment for the period already undergone by him.
8. It is stated that the appellant is on bail. His bail bonds stand discharged.

Sd/-

(Ram Prasanna Sharma)
Judge

