

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.268 of 2006**

1. Budhru, S/o Shri Mangal, aged about 37 years,
2. Dhansai, S/o Jhitru, aged about 39 years,
3. Arjun, S/o Jhitru, aged about 36 years,
4. Mittu, S/o Sootam, aged about 36 years,
5. Sukdev, S/o Mangal, aged about 22 years,
6. Manbodh, S/o Sootam, aged about 46 years,

All R/o Village Bardha, Chowki – Bastar, Jagdalpur, District Bastar
(C.G.)

---- **Petitioners**

versus

State of Chhattisgarh through Collector Bastar

--- **Respondent**

For Petitioners	:	Shri Deepak Jain, Advocate
For State/Respondent	:	Shri Anil S. Pandey, Government Advocate

Hon'ble Shri Justice Anil Kumar Shukla

ORDER

2.6.2017

1. This revision has been preferred under Section 397/401 of the Code of Criminal Procedure against the judgment dated 3.4.2006 passed in Criminal Appeal No.5/06 by the 3rd Additional Sessions Judge, Bastar at Jagdalpur by which the learned Additional Sessions Judge dismissed the appeal and affirmed the judgment dated 28.12.2005 passed in Criminal Case No.235 of 2005 by the Judicial Magistrate First Class, Jagdalpur.
2. Case of the prosecution, in brief, is that there was a land dispute between Complainant Neelamber and the accused/Petitioners due to which a quarrel and *marpeet* took place between them in the night of 29.4.1997. The Petitioners, with a common intention,

assaulted the Complainant and his brother Sagnu with iron rod and *danda* and they also threw stones on the house of the Complainant and his brother. The Petitioners also committed *marpeet* with the ladies of the family of the Complainant and his brother. In the assault, the Complainant and his brother suffered injuries over their head, hands, legs, thighs and legs. The Complainant lodged a report in Police Station Jagdalpur. After investigation, a charge-sheet was filed against the accused/Petitioners before the Court of Judicial Magistrate First Class, Jagdalpur. The Trial Court convicted the accused/Petitioners under Sections 147, 323/149, 325/149 IPC and sentenced each of them thereunder with R.I. for three months and fine of Rs.500/-, R.I. for three months and fine of Rs.500/- and R.I. for six months and fine of Rs.1,000/- with default stipulations. Being aggrieved by the judgment of the Trial Court, the accused/Petitioners preferred Criminal Appeal No.5/06 before the Court of Session. The learned 3rd Additional Sessions Judge, Bastar at Jagdalpur dismissed the appeal and affirmed the judgment of the Trial Court.

3. Learned Counsel appearing for the accused/Petitioners submits that he does not press this revision on merits and confines his argument to the sentence part only. Learned counsel further submits that the matter is of the year 1997 and out of the total jail sentence of six months, the accused/Petitioners have already undergone the period of one month and seven days. Learned counsel further submits that the accused/Petitioners have no criminal antecedent and they are facing the *lis* since 1997, i.e., for about 20 years. Therefore, the jail sentence awarded to the accused/Petitioners may be reduced to the period already

undergone by them.

4. On the other hand, learned State Counsel opposed the revision and supported the impugned judgment though not disputed the above facts.
5. It is not in dispute that the matter relates to the year 1997 and the accused/Petitioners are facing the *lis* for the last 20 years. They have no criminal antecedent. The injuries suffered by the Complainant party were simple in nature. Out of the total jail sentence of six months, the accused/Petitioners have already undergone the period of one month and seven days.
6. Considering the facts and circumstances of the case, particularly, that the accused/Petitioners are facing the *lis* for the last 20 years, the injuries suffered by the Complainant party were simple in nature, out of the total jail sentence of six months, the accused/Petitioners have already undergone the period of one month and seven days and they have no criminal antecedent, I am of the considered view that the ends of justice would be served if, while upholding the finding of conviction, the jail sentence awarded to the accused/Petitioners is reduced to the period already undergone by them.
7. Consequently, the criminal revision is allowed in part. The conviction imposed upon the accused/Petitioners under Sections 147, 323/149, 325/149 IPC is upheld, but the jail sentence awarded to them thereunder is reduced to the period already undergone by them. The sentence of fine imposed upon them by the impugned judgment is also affirmed.

8. It is reported that the accused/Petitioners are on bail. Their bail bonds are not discharged at this stage and the same shall remain operative for a further period of six months from today in view of the provisions contained in Section 437A of the Cr.P.C.
9. Records of the Courts below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-

(Anil Kumar Shukla)
Vacation Judge