

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.537 of 2005

Ramesh Kumar Netam, S/o Agrahij Netam, age about 32 years, R/o Joratarae, Thana Lalbag, District Rajnandgaon, Chhattisgarh

---- Petitioner

versus

State of Chhattisgarh through District Magistrate, Rajnandgaon, Chhattisgarh

--- Respondent

For Petitioner	:	Shri Yogesh Pandey, Advocate
For State/Respondent	:	Shri Rajendra Tripathi, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

2.8.2017

1. This revision has been preferred under Section 397 read with Section 401 of the Code of Criminal Procedure against the judgment dated 6.12.2005 passed in Sessions Case No.55 of 2005 by the Additional Sessions Judge, Rajnandgaon by which the Learned Additional Sessions Judge has convicted the Petitioner/accused under Section 324 of the Indian Penal Code and sentenced with rigorous imprisonment for 1 month and to pay fine of Rs.100/- with default stipulation.
2. Case of the prosecution, in brief, is that Complainant Ajit Sahu and the Petitioner were residents of Village Joratarai. On 26.2.2005, at about 11:00 a.m., in front of the house of Gend Singh in Village Joratarai, the Petitioner attacked the Complainant with a Tangi because the Complainant used to make bad remarks against the Petitioner by his caste and insult him. The matter was reported to Police Station Lalbag. After investigation, a charge-sheet was filed under Section 307 of the Indian Penal Code against the Petitioner. The Learned Trial Judge framed charge under Section 307 of the Indian Penal Code against the Petitioner. The Petitioner denied

the guilt. The Trial Court acquitted the Petitioner of the charge under Section 307 of the Indian Penal Code, but convicted him under Section 324 of the Indian Penal Code and sentenced him as mentioned above.

3. Learned Counsel appearing for the Petitioner submits that he does not press this revision on merits and confines his argument to the sentence part only. He further submits that the matter is of the year 2005 and out of the total jail sentence of 1 month, the Petitioner has already undergone the period of about 15 days. He further submits that the Petitioner has no criminal antecedent and he is facing the *lis* since 2005, i.e., for about 12 years. Therefore, the jail sentence awarded to the Petitioner may be reduced to the period already undergone by him.
4. On the contrary, Learned State Counsel opposed the revision and supported the impugned judgment.
5. It is not in dispute that the matter relates to the year 2005 and the Petitioner is facing the *lis* for the last 12 years. He has no criminal antecedent. Out of the total jail sentence of 1 month, he has already undergone the period of about 15 days.
6. Considering the above facts and circumstances of the case, I am of the considered opinion that the ends of justice would be served if, while upholding the finding of conviction, the jail sentence awarded to the Petitioner is reduced to the period already undergone by him.
7. Consequently, the criminal revision is allowed in part. The conviction imposed upon the accused/Petitioner under Section 324

of the Indian Penal Code is upheld, but the jail sentence awarded to him thereunder by the impugned judgment is reduced to the period already undergone by him. The sentence of fine imposed upon him by the impugned judgment is also affirmed.

8. It is reported that the Petitioner is on bail. His 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. Record of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge