

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.278 of 2007

Krishna Singh, S/o Bharat Singh, aged about 32 years, R/o Village Khel Tukari, Police Station Kunda, Tahsil Pandariya, District Kabirdham, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through District Magistrate Kawardha, District Kabirdham

--- Respondent

For Applicant	:	Shri Arun Kochar, Advocate
For State/Respondent	:	Smt. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

6.12.2017

1. This revision has been preferred under Section 397 read with Section 401 of the Code of Criminal Procedure against the judgment dated 19.6.2007 passed in Criminal Appeal No.11 of 2007 by the Sessions Judge, Kabirdham by which the Learned Sessions Judge has affirmed the judgment dated 14.2.2007 passed in Criminal Case No.118 of 2006 by the Judicial Magistrate First Class, Kawardha convicting and sentencing the Applicant as under:

<u>Conviction</u>	<u>Sentence</u>
Under Section 294 of the Indian Penal Code	Fine of Rs.300/- with default stipulation
Under Section 324 of the Indian Penal Code	Rigorous Imprisonment for 6 months and fine of Rs.500/- with default stipulation

2. Case of the prosecution, in brief, is that on 27.1.2002 at about 7:30 a.m., Complainant Tijanbai was present in her agricultural field for keeping a watch. At that time, her uncle Anujram was also there. It is alleged that the Applicant came there and objected and

assaulted her with a Tangiya. She sustained injuries on her hands. The matter was reported by her on the basis of which First Information Report (Ex.P1) was registered in Police Station Kunda, District Kawardha. On completion of the investigation, a charge-sheet was filed in the Court of Judicial Magistrate First Class, Mungeli.

3. After trial, the Trial Court convicted and sentenced the Applicant and the Appellate Court affirmed the judgment of conviction and sentence as mentioned in the first paragraph of this order. Hence, this revision.
4. Learned Counsel appearing for the Applicant submits that he does not press this revision on merit and confines his argument to the sentence part only. He further submits that out of the total jail sentence of 6 months, the Applicant has already undergone 8 days. He is facing the *lis* since 2002, i.e., for about 15 years. He has no criminal antecedent. Therefore, the sentence awarded to him may be reduced to the period already undergone by him.
5. Per contra, Learned Counsel appearing for the State supported the impugned judgment.
6. I have heard Learned Counsel appearing for the parties and perused the record.
7. Having regard to the facts and circumstances of the case, I am of the considered opinion that the interest of justice would be served if, while upholding the conviction imposed upon the Applicant under Sections 294 and 324 of the Indian Penal Code, he is sentenced with the period already undergone by him and the amount of fine imposed upon him for the offence under Section 294 of the Indian

Penal Code is enhanced to Rs.2,000/- and the amount of fine imposed for the offence under Section 324 of the Indian Penal Code is enhanced to Rs.6,000/-. Ordered accordingly. The amount of fine imposed/enhanced today for the offences under Sections 294 and 324 of the Indian Penal Code shall be payable within two months from the date of receipt of a copy of this order. In default of payment of the aforesaid amount of Rs.2,000/-, the Applicant shall be liable to undergo simple imprisonment for 15 days and in default of payment of the aforesaid amount of Rs.6,000/-, he shall be liable to undergo simple imprisonment for 2 months. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.

8. Consequently, the revision is allowed in part to the extent indicated above.
9. Records of the Courts below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge