

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1743 of 2017

Manharan S/o Late Shri Firangi Yadav Aged About 55 Years R/o
Sanjaygram Gadamor P. S. Baradwar Distt Bilaspur Chhattisgarh

---- Petitioner

Versus

State of Chhattisgarh through Baradwar Police Station, District Janjgir
Champa Chhattisgarh

---- Respondent

For the applicant	:	Mr. Ajay Mishra, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.12.2017

1. By order dated 14.07.2017 the appellant was convicted u/s 148 of IPC and sentenced to undergo R.I., for one month and fine of Rs.5000/- was imposed. U/s 452 IPC, 3 months sentence was awarded alongwith fine sentence of Rs.5000/- U/s 307 read with section 149 IPC, the jail sentence of six months was awarded and fine of Rs.10,000/- was imposed.
2. Learned counsel for the applicant would submit that thereafter the fine amounts have been deposited on 27.11.2017 and in case of non-payment of fine amounts one year jail sentence is to be suffered. He further submits that appellant Manharan has already suffered the entire jail sentence of maximum six months and without calculating the earlier jail sentence suffered by applicant Manharan, the trial Court has again sent him to jail.

3. Learned State Counsel was directed to call for the report of jail sentence suffered by the appellant Manharan.
4. It is stated that earlier the applicant was lodged in jail on 19.03.1995 and was released on 29.06.1995 thereby initially he was lodged in jail for 103 days. Thereafter from 27.01.1998 to 24.04.1998 he was lodged in jail which comes to 88 days. Again he was lodged in jail from 23.11.2017 to 11.12.2017 which comes to 19 days, thereby he has suffered the jail sentence of total 210 days that is more than six months. It is submitted that the entire fine amounts have also been paid.
5. Considering such submission made that the appellant has already completed the jail sentence of more than six months and has deposited the entire fine amount, consequently he should be released forthwith.
6. The report from the concerned court below shall also be called how the calculation was made while sending the appellant to jail on 23.11.2017.
7. With such observation, this petition stands allowed.

**Sd/-
GOUTAM BHADURI
JUDGE**