

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 2396 of 1999**

Ravishankar S/o Dhanuram Satnami, aged about 31 years, R/o Village- Darra Bhata, Arakshi Kendra Baradwar, District- Janjgir-Champa (M.P.) (Now C.G.).

----Appellant

Versus

State of Madhya Pradesh (Now Chhatisgarh)

---- Respondent

For Appellant	:	Mr. Deepak Kumar Singh, Advocate
For Respondent	:	Mr. UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

17/04/2018

1. This appeal has been preferred under Section 374 (2) of Cr.P.C against the judgment dated 05/08/1999 passed in S.T. No. 434/1998 by the Additional Sessions Judge, Sakti, District- Bilaspur (C.G.) convicting the accused/appellant under Section 307 of IPC and sentenced him to undergo RI for 5 years and to pay fine of Rs. 1000/- with default stipulation.
2. Case of the prosecution, in brief, is that on 13/03/1998 at about 7:30 pm, Boondram (PW1) had lodged an FIR (Ex.P-1) alleging that on the said date at about 4:00 pm, absconded accused- Dhanu, Udit Narayan and present appellant-Ravi Shankar disputed with him. On that dispute, the accused person including present appellant abused him in derogatory language and threatened him to assault by Lathi and Danda. When, Karman tried to stop them, the accused person (including present appellant) assaulted Karman on his chest by 'Kalari' and 'Farsa'. The

accused person also assaulted Rajkumari and Ghani Ram. All the injured persons were examined by doctor. Statement of the witnesses under Section 161 of Cr.P.C were recorded. To guilt the accused/appellant, the prosecution has examined as many as 14 witnesses. No defence witness has been examined. Statement of accused/appellant under Section 313 of Cr.P.C was recorded, wherein he denied all the charges and pleaded his innocence and false implication in the case. After investigation, a charge-sheet was filed against 5 accused, present appellant- Ravi Shankar, Teenmati, Dulharin Bai, absconded accused- Dhanu and Udit Narayan. Charges under Sections 148, 506-B/149 and 307/149 of IPC were framed. After trial, the trial Court has acquitted Teenmati and Dulharin Bai from all the charges and convicted the present applicant under Section 307 of IPC and sentenced him as mentioned in paragraph one of this judgment. Hence, this appeal.

3. Learned Counsel appearing for the appellant submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. He further submits that the matter is of the year 1998 and the appellant is facing the *lis* since last 20 years. It is further submitted that during trial, the appellant has undergone about 13 months of jail sentence out of total jail sentence of 5 years and after 20 years there will be no fruitful purpose to send the appellant in jail, therefore, he prays that the jail sentence awarded to the appellant may be reduced to the period already undergone by him.
4. Per contra, learned Counsel appearing for the State supported the

impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.

5. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
6. It is not in dispute that the matter relates to the year 1998 and the appellant is facing the *lis* since last about 20 years. Moreover, the appellant during trial has undergone about 13 months out of total jail sentence and after 20 years there will not be any fruitful purpose serve to again send the appellant in jail.
7. Considering the above facts and circumstances, I am of the considered opinion that the ends of justice would be met if, while upholding the conviction imposed upon the appellant, the jail sentence awarded to him is reduced to the period already undergone by him.
8. Consequently, the appeal is partly allowed. The conviction imposed upon the appellant under Section 307 of IPC is upheld, but the jail sentence awarded to him is reduced to the period already undergone by him. The fine sentence imposed upon him is also affirmed.
9. It is reported that the applicant is on bail. His bail bond is not discharged at this stage and the same shall remain operative for a further period of 6 months in view of the provisions contained in Section 437-A of Cr.P.C.
10. Records 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