

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 9 of 2009**

Heeralal Dongare S/o Lambudhar Dongare, aged about 28 years, R/o Village- Kumhadaikala, Police Station- Devbhog, District- Raipur (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through the District Magistrate, Distt. Raipur (C.G.).

---- Respondent

For Applicant	:	Mr. Shivendu Pandaya, Advocate
For Respondent	:	Mr. Anil Pandey, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

05/09/2018

1. This revision has been preferred under Section 397 read with Section 401 of the Code of Criminal Procedure against the judgment dated 24/12/2008 passed by the learned Additional Sessions Judge, Gariyaband, District- Raipur (C.G.) in Criminal Appeal No. 37/2008, affirming the judgment of conviction dated 29/08/2008 passed in Criminal Case No. 269/2008 by the Judicial Magistrate First Class, Devbhog, District- Raipur convicting the accused/appellant under Section 324 of the IPC and sentenced him to undergo RI for 3 months and to pay fine of Rs. 1000/- with default stipulation.
2. As per prosecution story on 27/04/2008 at about 7:00 pm, some quarrel took place between complainant- Arjun and his brother and sister-in-law regarding talking on the mobile phone. On account of

this, complainant- Arjun was crying. It is alleged that the applicant came there and assaulted the complainant by one bronze utensils. The complainant sustained some injuries on his body. The complainant lodged a report Ex.P-1. He was medically examined by Dr. Anju Sonwani (PW5) who gave her report Ex.P-4. During course of investigation, the police seized a bronze utensil from the possession of the applicant vide seizure memo Ex.P-5. Statement of witnesses under Section 161 of the Cr.P.C were recorded. After completion of investigation, a charge-sheet was filed before the trial Court. The learned trial Court vide judgment dated 29/08/2008 has convicted and sentenced the applicant as mentioned in the first paragraph of this order, which was also affirmed by the Appellate Court vide judgment dated 24/12/2008. Hence, this revision.

3. Learned counsel appearing on behalf of the applicant submits he does not want to press this revision on merit and confines his argument to the sentence part only. He further submits that the applicant has undergone about 1 month out of total jail sentence of 3 months, the incident is of the year 2008, the applicant is facing the *lis* since 10 years and he has no known criminal antecedent. Therefore, the jail sentence awarded to the applicant may be reduced to the period already undergone by him.
4. Learned Counsel appearing for the State opposes the prayer made by the counsel for the applicant.
5. I have heard Learned Counsel appearing for the parties and perused the record.

6. Considering the above facts and circumstances, particularly considering that out of total jail sentence of 3 months, the applicant has undergone about 1 month of jail sentence and he is facing this */is* since 2008, I am of the considered opinion that the ends of justice would be met if, while upholding the conviction imposed upon the applicant, the jail sentenced awarded to him is reduced to the period already undergone by him. However, the fine sentence of Rs. 1000/- imposed under Section 324 of the IPC is enhanced to Rs. 7000/-. The enhanced amount of fine shall be deposited within 1 month from the date of receipt of copy of this order. In default of payment, the applicant shall be liable to undergo SI for 1 month. The fine amount already deposited shall be adjusted in the enhanced amount of fine.
7. Consequently, the revision is partly allowed to the extent indicated above.
8. It is reported that the applicant/accused 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.
9. 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