

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 896 of 2003**

1. Motiram Sahu S/o Puran Sahu, aged about 60 years,
2. Ram Narayan Sahu, S/o Motiram Sahu, aged about 30 years,
3. Rishi Kumar S/o Motiram Sahu, aged about 38 years,
4. Ram Kumar S/o Motiram Sahu, aged about 33 years,
Appellants 1 to 4 occupation- Agriculturist and R/o Village- Sankra, P.S.- Arjuni, Distt. - Dhamtari (C.G.).
5. Tukaram S/o Samay Satnami, aged about 42 years, R/o. Village- Navangaon, P.S.- Arjuni, Distt.- Dhamtari, (C.G).

-- Appellants**Versus**

State of Chhattisgarh.

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For Appellant	:	Ms. Renu Kochar, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board****18/07/2018**

1. This appeal has been preferred against the judgment dated 14/08/2003 passed by the Additional Sessions Judge, Dhamtari in S.T. No. 50/2001, convicting the appellants under Sections 324, 147 and 148 of IPC and sentenced them to undergo RI for 2 years with fine of Rs. 1000/-, RI for 6 months with fine of Rs. 500/- and RI for 6 months with fine of Rs. 500/-, respectively with default stipulations.
2. As per prosecution story on 04/11/2000 at about 11 AM, complainant- Jitendra Kumar and Guljarilal were working in their field with labours, it

is alleged that the appellants reached there with Lathi, Talwar and Churi and they assaulted both the complainants and their brother. All of them sustained injuries on their head and other parts of the body. The matter was reported by the injured. Jeetendra and Guljarilal were examined by Dr. Danial Bhaskar who gave his report Ex.P-28 and Ex.P-29. After investigation, a charge-sheet was filed. The learned trial Court has framed the charges under Sections 147, 148, 307 alternative 307/34, 506 (B) of IPC and Sections 25 and 27 of the Arms Act. After trial, the learned trial Court acquitted the accused/appellants from the charges under Sections 307 alternative 307/34, 506 (b) of IPC and Sections 25 & 27 of the Arms Act and convicted and sentenced them as mentioned in para 1 of this judgment.

3. Learned Counsel appearing for the appellants submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. It is further submitted that out of total jail sentence of two years, appellant No. 1 has undergone about 20 days in custody, Appellant No. 5 has undergone about 1 month and appellant Nos 2 to 4 have undergone about 15 days and they are facing this *lis* since 2000. There is no criminal antecedents against them, therefore, he prays that the jail sentence awarded to the appellants may be reduced to the period already undergone by them.
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. Considering the above facts and circumstances, particularly considering that out of total jail sentence of two years, appellant No. 1 has undergone about 20 days, Appellant No. 5 has undergone about 1 month and appellant Nos. 2 to 4 have undergone about 15 days and they are facing this *lis* since 2000, I am of the considered opinion that the ends of justice would be met if, while upholding the conviction imposed upon the appellants, the jail sentenced awarded to them is reduced to the period already undergone by them.
7. Consequently, the revision is partly allowed. The conviction imposed upon the appellants is affirmed and the jail sentence awarded to them is reduced to the period already undergone by them. The fine sentence is also affirmed.
8. It is reported that the appellants/accused are on bail. Their bail bonds are 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