

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 278 of 2009**

Bandhan S/o Mharsai, aged about 35 years, R/o Village- Kedarpur, Tahna-
Premnagar Tah. Surjpur, Distt. Sarguja (C.G.).

--- Applicant**Versus**

State of Chhattisgarh Through, District- Magistrate Surajpur, Distt. Sarguja
(C.G.).

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****17/09/2018**

1. This revision has been preferred under Section 397 read with Section 401 of the Code of Criminal Procedure against the judgment dated 28/05/2009 passed by the First Additional Sessions Judge, Surajpur, District- Sarguja (C.G.) in Criminal Appeal No. 79/2007, arising out of judgment of conviction dated 17/04/2007 passed in Criminal Case No. 1033/1997 by the Additional Chief Judicial Magistrate, Srajpur convicting the accused/appellant under Section 304(A) of the IPC and sentenced him to undergo RI for 6 months and to pay fine of Rs. 1000/- with default stipulation.
2. As per prosecution story, on 10/04/1997 in the morning deceased- Satrupa, aged about 6 years was playing in front of her house, which was situated adjacent to the road. It is alleged that the applicant/accused who was the driver of vehicle No. MP04 7539, by rash and negligent driving, dashed the

deceased- Satrupa. The deceased received grievous injuries, due to which she died. The matter was reported. After investigation, a charge-sheet under Section 304-A of the IPC was filed. After trial, the learned trial Court has convicted and sentenced the accused/applicant as mentioned in the first paragraph of the order, which was also affirmed by the Appellate Court. 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 15 days out of total jail sentence of 6 months, the incident is of the year 1997, the applicant is facing the *lis* since 21 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 6 months, the applicant has undergone about 15 days of jail sentence and he is facing this *lis* since 1997, 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 304-A of the IPC is enhanced to Rs. 75000/-. The enhanced amount of fine shall be

deposited within 2 months from the date of receipt of copy of this order. In default of payment, the applicant shall be liable to undergo SI for 2 months. 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