

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 248 of 2004

Niranjan Singh S/o Moti Singh, aged about 55 years, R/o Dongam, P.S. Frezarpur, Jagdalpur, District Bastar, CG.

---- Applicant

Versus

State of Chhattisgarh, through District Magistrate Jagdalpur District Bastar, CG.

---- Respondent

For Applicant : Mr. Keshav Dewangan, Advocate.
For Respondent : Mr. Sanjeev Pandey, GA

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

26.11.2018

By the judgment under challenge passed on 10.03.2004 by Special Judge (Atrocities) in Criminal Appeal No. 96 of 2003, the findings recorded by the learned Chief Judicial Magistrate Jagdalpur, convicting the accused/applicant under Section 420 read with section 34 IPC and sentencing him to undergo RI for one year have been affirmed.

2. Facts of the case, in short, are that Baliyar Singh (PW-1) and the applicant herein are the cousins. It is alleged that the applicant herein impersonating himself as PW-1 took loan of Rs. 4,664/- in his name and by forging his signature. The others co-accused persons namely Ranu and Sahdev are said to have

stood sureties thereto. FIR (Ex. P-1) was lodged by PW-1 against the accused persons and after completion of investigation charge sheet was filed against them.

3. Learned Magistrate having perused the material before it convicted the accused/applicant under Section 420/34 IPC and sentenced him as above, which on appeal has been affirmed by the judgment impugned. Hence, this revision.

4. Conviction is not being pressed on merit and the sole prayer made by the counsel for the applicant is confined to reduction of sentence imposed on the accused/applicant to the period already undergone on account of the fact that the case is quite old and the accused/applicant has already remained in jail for some time.

5. State counsel however, supports the findings recorded by both the Courts below.

6. Heard learned counsel for the parties and perused the judgment impugned and the evidence available on record carefully.

7. From the statement of PW-1 it emerges that the accused/applicant took loan of Rs. 4,664/- by manipulating his signature and showing himself to be the PW-1. When PW-1 went to the bank, he found that in the bank record, instead of his photograph, the accused/applicant had affixed his own and thus impersonated himself to be PW-1. Statement of PW-1 has also been supported by PW-2, PW-3 and PW-4. In this view of the matter, both the courts below do not appear to have committed

any error in convicting the accused/applicant as mentioned above. It is hereby maintained.

8. As regards sentence, keeping in view the fact that the incident had taken place in the year 1995, that the accused/applicant has already remained in jail for a period of 01 month 25 days and further that by now he must be leading a well settled life saddled with innumerable responsibilities, this Court thinks it proper to reduce the sentence imposed on him to the period already undergone. Order accordingly.

9. With the above, the revision stands allowed in part.

Sd/-

(Vimla Singh Kapoor)

JUDGE

Jyotishi/pawan