

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 16 of 2005

1. Hem Lal son of Nand Lal Sahu, aged about 60 years, R/o village Sohtara, Occupation - Agriculturist, Tahsil Balod District Durg, CG

--- Applicant

Versus

1. State of Chhattisgarh

--- Respondent

For Applicant	-	Shri Praveen Dhurandhar, Advocate.
For Respondent/State	-	Shri Gary Mukhopadhyaya, GA

Order on Board by Hon'ble Smt. Vimla Singh Kapoor, J.

27.11.2018:

Judgment under challenge in this revision petition is dated 29.12.2004 passed by Additional Sessions Judge, Balod in Criminal Appeal No. 497/2003 whereby the findings recorded by Judicial Magistrate First Class, Balod convicting the accused/applicant under Section 419 IPC and sentencing him to undergo RI for one year with fine of Rs. 1000/- plus default stipulation, have been affirmed.

2. Facts of the case, in short, are that the applicant herein got the land measuring 2.19 acres belonging to complainant Latkhor (PW-1) recorded in the revenue record in his name as co-sharer by forging his signature and thus impersonating himself to be Latkhor. When the Tehsildar did not take any action on his request for correcting the position, the complainant (PW-1) lodged the

report (Ex.P-1). After investigation, the *challan* was filed and the charge was framed against the accused/applicant.

3. After examining the material available on record and the evidence of the witnesses, the trial Court convicted and sentenced the accused/applicant as described above. The findings recorded by the trial Court have subsequently been confirmed by the lower Appellate Court by the judgment impugned and it is that which is under challenge in this revision.

4. Counsel for the accused/applicant submits that he is not pressing this revision as far as conviction part of the judgment challenged therein is concerned, and would confine his argument to its sentence part only. He submits that as the incident had taken place in the year 1991, that he has remained in jail for thirteen days and that the complainant and the accused are real brothers, the sentence imposed on him may be reduced to the period already undergone.

5. On the other hand, counsel for the respondent/State supports the judgment impugned as a whole.

6. Heard counsel for the parties and perused the evidence on record.

7. Having heard counsel for the parties and perused the material available on record including the evidence of complainant (PW-1) duly supported by Sukhiram (PW-2) and Devilal (PW-3), it is apparent that the applicant became the co-sharer of the land belonging to (PW-1) by forging his signature on the application and getting the same certified by the Tehsildar, and thus committed the

offence alleged against him. The finding of conviction recorded by both the Courts below being based on proper appreciation of the evidence of the witnesses, require no interference by this court. Conviction of the applicant under Section 419 IPC is thus maintained.

8. As regards sentence, keeping in mind the fact that the incident had taken place in the year 1991 thereby leading to passage of 27 long years since thereafter, that the applicant has already remained in jail for thirteen days and that the accused and the complainant are real brothers, this Court thinks it just and proper and in the interest of justice to reduce the same to the period already undergone. Order accordingly.

9. Revision thus allowed in part.

Sd/-

(Vimla Singh Kapoor)
Judge