

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 282 of 2005**

Raju Suiya @ Siya S/o Annamaliya, Aged about 30 years R/o Itwari Bazar, Jagdalpur, Distt. Bastar (C.G.).

--- Applicant

Versus

State of Chhattisgarh.

---- Respondent

AND**Criminal Revision No. 331 of 2005**

Balmurga @ Shiv Kumar S/o Ganesh, aged about 19 years, Cast- Sweeper R/o Etwari Bazar, Jagdalpur, Distt. Bastar (C.G.).

--- Applicant

Versus

State of Chhattisgarh.

---- Respondent

For applicant (In CRR No. 282/2005)	:	Mr H.S. Ahluwalia, Advocate
For applicant (In CRR No. 331/2005)	:	Mr. Manoj Mishra, Advocate
For Respondent	:	Mr. Arvind Shukla, PL

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board****20/07/2018**

1. Since both the cases arise from the common order, therefore, they are being disposed of by this common order.
2. These revisions have been preferred under Section 397 read with Section 401 of the Cr.P.C by the applicants against the judgment

dated 16/06/2005 passed by IIIrd Additional Sessions Judge, Jagdalpur in Criminal Appeals Nos. 15/2005 and 16/2005 affirming the judgment dated 09/02/2005 passed by the the Judicial Magistrate First Class, Jagdalpur in Criminal Case No. 494/2004, convicting the applicants under Sections 457 and 380 of IPC and sentenced them to undergo RI for 2 years with fine of Rs. 500/- and RI for 2 years with fine of Rs. 500/- respectively with default stipulations.

3. As per prosecution story on 06/03/2004, when complainant- Sonmati was sleeping in her house along with her husband, it was alleged that at about 1 am mid night, both the applicants entered in her house and they stolen one box in which ornaments and clothes of complainant was kept. The matter was reported vide Ex.P.-8. During the course of investigation, stolen property were seized from both the applicants. After investigation, a charge-sheet was filed. After trial, the learned JMFC has convicted and sentenced both the applicants as mentioned in para 1 of this order, which was also affirmed by the appellate Court. Thus, these revisions.
4. Learned Counsel appearing on behalf of both the applicants submit that they does not want to press these revisions on merits and confine their argument to the sentence part only. It is further submitted that out of total jail sentence of 2 years, applicant- Raja in CRR No. 282/2005 has undergone about 11 months & 15 days and applicant- Balmurga in CRR No. 331/2018 has undergone about 13 months & 25 days of jail sentences, therefore, they pray that the jail sentences awarded to both the applicants may be reduced to the period already undergone by them.

5. 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.
6. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
7. Considering the above facts and circumstances, particularly considering that out of total jail sentence of 2 years, applicant- Raja in CRR No. 282/2005 has undergone about 11 months & 15 days and applicant- Balmurga in CRR No. 331/2018 has undergone about 13 months & 25 days, I am of the considered opinion that the ends of justice would be met if, while upholding the conviction imposed upon the applicants, the jail sentenced awarded to them is reduced to the period already undergone by them.
8. Consequently, the revisions are partly allowed. The conviction imposed upon the applicants is affirmed and the jail sentence awarded to them is reduced to the period already undergone by them. The fine sentence is also affirmed.
9. It is reported that the applicants/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.
10. 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