

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 47 of 2005**

Mohd. Sakil, S/o Mohd. Sakir, Aged about 26 years, R/o Rehamania Chowk,
Police Station Gole Bazar, Rapur (C.G.).

---- Applicant**Versus**

State of Chhattisgarh, Through : The District Magistrate, Raipur, District- Raipur
(C.G.).

---- Respondent

For Applicant	:	Mr. S.S. Baghel, Advocate
For Respondent	:	Mr. Bhaskar Payashi, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**29/10/2018**

1. This revision has been preferred against the judgment dated 19/01/2005 passed in Criminal Appeal No. 255/2004 by the Sessions Judge, Raipur, arising out of judgment dated 24/09/2004 passed in Criminal Case No. 1369/2004 by the Judicial Magistrate First Class, Raipur convicting the accused/applicant under Section 379 of the IPC and sentenced him to undergo RI for 1 year with fine of Rs. 500/- with default stipulation.
2. As per prosecution story, on 12/01/2001 complainant- Dharmendra Singh (PW2) lodged a report to the effect that some unknown persons have committed theft of his vehicle Maruti bearing registration No. MP23-LA-1112. At about 5 pm on the same day, near Bathia Nursing

Home, the present applicant was found in possession of the said vehicle, which was recovered from him. Offence has been registered. After investigation, a charge-sheet under Section 379 of the IPC has been submitted. After trial, the trial Court has convicted and sentenced the applicant as mentioned in the first paragraph of this order, which was also affirmed by the Appellate Court. Hence, this revision.

3. Learned Counsel appearing for the Applicant submits that he does not want to press this revision on merits and confines his argument to the sentence part only. It is further submitted that the incident is of the year 2001 and the Applicant is facing the *lis* since 17 years. Out of total jail sentence of 1 year, the Applicant has undergone about 17 days, therefore, he prays that the jail sentence awarded to the Applicant may be reduced to the period already undergone by him.
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 1 year, the Applicant has undergone about 17 days and he is facing the *lis* since 17 years I am of the view 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 and the fine imposed upon the applicant under Section 379 of IPC is enhanced to

Rs. 25,000/-. Ordered accordingly. The enhanced amount of fine shall be payable within 2 months from the date of receipt of a copy of this order. In default of payment, the Applicant shall be liable to undergo RI for 6 months. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.

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