

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 51 of 2005**

Jagdish Prasad S/o Hetram, aged about 32 years, R/o Village- Rajakmma, P.S- Pali, District- Korba (C.G.).

---- Applicant**Versus**

State of Chhattisgarh, Through: P.S. Pali, District- Korba (C.G.)

---- Respondent

For Applicant	:	Mr. Bharat Rajput, Advocate
For Respondent	:	Mr. Arvind Shukla, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**20/07/2018**

1. This revision has been preferred under Section 397 & 401 of Cr.P.C. against the judgment dated 18/01/2005 passed in Criminal appeal No. 7/2004 by the Sessions Judge, Korba, whereby the Sessions Judge while affirming the judgment passed in Criminal Case No. 496/2001 by the Judicial Magistrate Katghora on 14/09/2004, convicted the appellant under Section 498-A and 323 of the IPC and sentenced him to undergo RI for 6 months with fine of Rs. 300/- and fine of Rs. 100/-, respectively with default stipulation.
2. Case of the prosecution, in brief, is that the marriage between the complainant- Meena Bai was solemnized with applicant- Jagdeesh in the year 1992. It was alleged that after 4-5 months, the applicant along with his family members started ill treating to the complainant for

the demand of dowry. On 26/03/1996, the applicant assaulted the complainant by Lathi. Thereafter, a written report (Ex.P-2) was submitted by the complainant. On the basis of that report, FIR (Ex.P-3) was registered. Statement of witnesses under Section 161 of the Cr.P.C. were recorded. After investigation, a charge-sheet was filed. Charges under Sections 498-A and 323 read with 34 of IPC were framed. After trial, the learned JMFC, Khatghora vide judgment dated 14/09/2004 convicted the present applicant and other co-accused, Hetram, Sukhwara, Kamla and Herakali for the offence punishable under Section 498-A of IPC and sentenced them to undergo RI for 1 year with fine of Rs. 300/-. The present applicant was further convicted and sentenced for the offence punishable under Section 323 of the IPC with fine of Rs. 100/-. In the appeal preferred by the accused persons, the appellate Court vide judgment dated 18/01/2005 acquitted co-accused- Hetram, Sukhwara, Kamla and Herakali from the charges and convicted the present applicant as mentioned in para 1 of this order. 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. He further submits that the incident is of the year 1996, the applicant is facing this */is* since 22 years and during trial and after the Appellate Court judgment, the appellant has undergone about 1 month, out of total jail sentence of 6 months, 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 the applicant has undergone about 1 month out of total jail sentence of 6 months, he is facing this lis since 22 years and after long period of 22 years no fruitful purpose would be served to again send him in jail, 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 sentence awarded to him is reduced to the period already undergone by him.
7. Consequently, the revision is partly allowed. The conviction of the accused/applicant under Sections 498-A and 323 of the IPC is uphold, however, the jail sentence awarded to him is reduced to the period already undergone by him. The fine sentence is also affirmed.
8. 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