

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 72 of 2009

Laxmikant @ Lucky Sharma, S/o. Ramavatar Sharma, Aged about 28 years, R/o. Dagrpara, Akaltara, Police Station Akaltara, District Janjgir Champa (C.G.)

---- **Applicant**

Versus

State of Chhattisgarh, Through the District Magistrate Janjgir Champa (C.G.)

---- **Respondent**

For Applicant : Mr. Rakesh Pandey, Advocate.
For Respondent : Ms. M Asha, Panel Lawyer.

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

26.11.2018

By way of the instant revision, the applicant has challenged the judgment of conviction and sentence dated 21.01.2009 passed by Additional Sessions Judge, Janjgir, in Criminal Appeal No. 99/2008, modifying the judgment impugned passed by learned Magistrate, as far as sentence part is concerned.

2. Facts of the case, in short, are that on 19.04.2007 Sub Inspector B.P. Singhsariya went on raid and found the accused/applicant and others engaged in playing the game of speculation. From his possession, one LG mobile phone, two registers, some papers mentioning the details of amount of speculation, one dot pen, one calculator and a sum of Rs. 22,074/- in the presence of the witnesses. After registration of the case and completion of investigation charge sheet was filed

against the accused/applicant under Section 4-A of the Public Gambling Act.

3. Learned Magistrate having perused the material before it convicted the accused/applicant under Section 4-A of the Public Gambling Act. However on appeal, the conviction has been affirmed by the judgment impugned but the sentence of RI for four months imposed by the trial Court has been reduced to RI for one month. 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 about a week.

5. State counsel however, supports the findings recorded by the 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 material available on record, it is apparent that the accused/applicant was caught red-handed while engaged in speculation activities and from his possession, one LG mobile phone, two registers, some papers mentioning the details of amount of speculation, one dot pen, one calculator and a sum of Rs. 22,074/- have been seized in the presence of the witnesses

under Ex.P.1. The case of the prosecution has received full support from the evidence of Ram Prashad Baghel (PW-4) and Arun Kumar (PW-5). Thus, the finding of conviction recorded by both the Courts below appear to be fully justified. It is hereby maintained.

8. As regards sentence, keeping in view the fact that the incident had taken place in the year 2007, that the accused/applicant has already remained in jail for a period of one week 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/Santosh