

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 519 of 2007

1. Bhagirathi son of Hiralal Sidar, caste - Saunra, aged about 30 years,
2. Jagdish son of Hiralal Sidar, caste - Saunra, aged about 32 years,
3. Hiralal son of Sadhuraam Sidar, caste - Saunra, aged about 52 years,
4. Shivilal son of Dongaria Yadav, caste - Rawat, aged about 37 years,
5. Nammu son of Sukhdev Sidar, caste - Saunra, aged about 32 years,
6. Gautam son of Suklal Sidar, caste - Saunra, aged about 37 years,
7. Kartik son of Raghunath Sidar, caste - Saunra, aged about 62 years,

All agriculturists by occupation and resident of village Jampali, Police Station Kosir, Tehsil Sarangarh, district Raigarh, CG

--- Applicants

Versus

State of Chhattisgarh through District Magistrate, Raigarh, CG

--- Respondent

For Applicants	-	Shri Manoj Jaiswal, Advocate.
For Respondent	-	Smt. M. Asha, PL

Accused/applicants are also present before this Court pursuant to the bailable warrant issued on 10.10.2018.

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

27.11.2018:

By this revision petition the applicants have assailed the judgment dated 25.09.2007 passed by Additional Sessions Judge, Sarangarh, district Raigarh in Criminal Appeal No. 75/2006 affirming the judgment dated 08.08.2006 passed by Judicial Magistrate First Class, Sarangarh in Criminal Case No. 781/2002 convicting the accused/applicants under Sections 342, 147, 186 and 347 read with 149 IPC and sentencing each of them to undergo rigorous imprisonment for three months, six months, one month and six months under each section. They have also been sentenced to pay fine of Rs. 500/- u/s 347 IPC.

2. Facts of the case in short are that on 30.07.2002 when the police people, after receiving a secrete information, went to the spot for effecting the seizure of liquor, the accused/applicants forming an unlawful assembly obstructed them from discharging their public functions and also demanded money for permitting them to move ahead.

3. After examining the material available on record and the evidence of the witnesses, the trial Court convicted and sentenced the accused/applicants as detailed 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/applicants 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 2002 and that the accused/applicants have already remained in jail for 52 days, the sentence imposed on them 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 PW-2, PW-3, PW-9 and PW-10 it is clear that the accused/applicants herein had made them captive, demanded Rs. 10,000/- from them for ensuring their further movement and thus put obstacles in the discharge of their public functions. Considering all this, both the Courts below appear to have been fully justified in convicting the accused/applicants as mentioned above and there is no illegality in the same. Their conviction is thus maintained.

8. As regards sentence, keeping in mind the fact that the incident had taken place in the year 2002 thereby leading to passage of 16 long years since thereafter and that the applicants have already remained in jail for 52 days, 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