

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 265 of 2009

1. Kishorilal Mittal S/o Omprakash, aged 45 years, Occupation- Insurance Agent
 2. Sudesh Kumar S/o Lajpatrai Agrawal, aged about 26 years, Occupation- Business
- Both R/o Surajpur, Thana Surajpur, Distt. Sarguja (C.G.).

--- Applicants

Versus

State of Chhattisgarh Through, District Magistrate- Ambikapur, Distt. Sarguja (C.G.).

---- Respondent

AND

Criminal Revision No. 266 of 2009

Anand Kumar Jain S/o Banwarilal Jain, aged about 34 years R/o Surajpur, P.S. & Teh. Sraipur, District- Sarguja (C.G.)

--- Applicant

Versus

State of Chhattisgarh Through P.S. Surajpu, Distt. Sarguja (C.G.).

---- Respondent

For Applicant (in CRR No. 265/2009) :	Mr. Sanjay Agrawal, Advocate
For Applicant (in CRR No. 266/2009) :	Mr. Praglak Sharma, Advocate
For Respondent :	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

26/09/2018

1. Since both revisions arise out of judgment dated 14/05/2009 passed in Cr.A. Nos. 21/2008 & 22/2008, 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 Code of Criminal Procedure against the judgment dated 14/05/2009 passed by the First Additional Sessions Judge, Surajpur, Distt. Sarguja (C.G.) in Criminal Appeal Nos. 21/2008 & 22/2008, arising out of judgment of conviction dated 07/02/2018 passed in Criminal Case No. 245/2000 by the Additional Chief Judicial Magistrate, Surajpur convicting the accused/applicants as under:-

<u>Conviction</u>	<u>Sentence</u>
Under Section 332/34 IPC	RI for 6 months
Under Section 294 IPC	RI for 1 month
Under Section 506 part-II IPC	RI for 4 months
Under Section 341 IPC	Fine of Rs. 100/- with default stipulation

3. As per prosecution story, on 04/05/2000 complainant- Pulin lodged a FIR stating therein that he is posted as Head Clerk at the State Bank of India, Surajpur. On 04/05/2000 at about 12:00 pm, the applicants came to the Bank for getting a cheque encash, but as the signature of drawer did not match, the complainant told them that payment would be made only after receiving voucher. Later on when Sudesh came to collect the payment, the had told him as the cheque of the drawer has not matched, it would be returned. Subsequently, at about 4:00 pm, when the complainant was on his way to home, he was stopped by a Maruti Van near the rest house. It

was alleged that the accused persons came out of the vehicle and started abusing the complainant in filthy language and thereafter assaulted him. A report was made by the complainant. On the basis of the report, offence has been registered. After investigation, a charge-sheet was filed. After trial, the trial Court has convicted and sentenced the applicants as mentioned in paragraph 1 of this order, which was also affirmed by the Appellate Court. Hence, this revision.

4. Learned counsel appearing on behalf of the applicants submit that they do not want to press this revision on merit and confines their argument to the sentence part only. They further submit that applicant- Anand Jain has undergone 8 days during trial and 15 days after the judgment of the Appellate Court and remaining applicants have undergone about 15 days during the pendency of this revision. The incident is of the year 2000, the applicants are facing the *lis* since 18 years and they have no known criminal antecedent. Therefore, the jail sentence awarded to the applicants may be reduced to the period already undergone by them.
5. Learned Counsel appearing for the State opposes the prayer made by the counsel for the applicant.
6. I have heard Learned Counsel appearing for the parties and perused the record.
7. Considering the above facts and circumstances, particularly considering that applicant- Anand Jain has undergone 8 days during trial and 15 days after the judgment of the Appellate Court and remaining applicants have

undergone about 15 days during the pendency of this revision, the incident is of the year 2000, the applicants are facing the *lis* since 18 years and they have no known criminal antecedent, I am of the view 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 revision is partly allowed. The conviction of the applicants under Sections 332/34, 394, 506 Part-II and 341 of the IPC is upheld and they are sentenced to the period already undergone by them. The fine sentence is 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