

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 628 of 2007**

1. Mahendra S/o. Shri Rajaram, aged about 30 years,
 2. Mannu Lal S/o Keshalu Marawi, aged about 26 years,
 3. Harbansh S/o Sunil Ram Gond, aged about 39 years,
 4. Raja Ram S/o Baisakhu Ram, aged about 56 years,
- All R/o Village- Limtari, Police Station- Chakarbhata, Distt. Bilaspur (C.G.).

----Applicants**Versus**

State of Chhattisgarh through the District Magistrate, Bilaspur, Distt. Bilaspur (C.G.).

---- Respondent

For Applicants	:	Mr. U.K.S. Chandel, Advocate
For Respondent	:	Mr. Sumit Jhanwar, PL

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****20/03/2018**

1. This revision has been preferred under Section 397 read with Section 401 of the Code of Criminal Procedure against the judgment dated 26/11/2007 passed in Criminal Appeal No. 147/2006 by the Eighth Additional Sessions Judge (FTC), Bilaspur arising out of order dated 22/08/2006 passed by the Addl. Chief Judicial Magistrate, Bilaspur in Criminal Case No. 1107/2004, confirming the fine sentence imposed upon the applicants under Section 39 of the Indian Electricity Act, 1910 as Rs. 1000/- and under Section 304-A of IPC as Rs. 2000/-, and reducing the jail sentence from 6 months to 3 months under each of the offence
2. Case of the prosecution, in brief, is that on 03/10/2001 when deceased –

Ramdulari Bai and her son Dinesh were went for cutting the grass from the field, at the relevant time, son of deceased pasted with naked wire from which the electricity was being supplied illegally for agricultural purpose. Deceased- Ramdulari Bai had tried her level best to save her son, but during the process, she came with touch of naked wire and died due to electric shock. It is alleged that the said connected wire of electricity was floated by accused/applicants without covering electric protection and while doing so, they harvest the crops from the pond by using electric pump. The matter was reported by Dilip Kaushik. After investigation, a charge-sheet was filed. Charges were framed and after trial, the trial Court has convicted the accused/applicants under Section 39 of the Indian Electricity, 1910 Act and Section 304-A of IPC and sentenced them to undergo RI for 6 months with fine of Rs. 1000/- and RI for 6 months with fine of Rs. 2000/-, respectively. Against the said order, an appeal was preferred by the applicants before the Appellate Court. While deciding the appeal, the Appellate Court has confirmed the fine sentences, however, the jail sentences of 6 months under each offence were reduced to 3 months. Hence, this revision.

3. Learned Counsel appearing for the applicants submits that he does not want to press this revision on merit and confines his argument to the sentence part only. He further submits that the matter is of the year 2001, there is no criminal antecedent of the applicants and they are facing the */is* since 2001. It is further submitted that out of total jail sentence of 3 months, the applicants have undergone 1 and ½ months, therefore, the jail sentences awarded to them may be reduced to the period already undergone by them.

4. Per contra, learned Counsel appearing for the State supported the impugned judgment
5. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
6. It is not in dispute that the matter relates to the year 2001 and the applicants are facing the *lis* since last about 17 years. Moreover, the applicants have no known criminal antecedent and they have already undergone for about 1 and ½ months out of total sentence of 3 months.
7. Considering the above facts and circumstances, I am of the considered opinion that the ends of justice would be met if, while upholding the conviction imposed upon the applicants, the jail sentences awarded to them are reduced to the period already undergone by them and the fine imposed upon them is affirmed.
8. Consequently, the revision is partly allowed. The jail sentences awarded to the applicants are reduced to the period already undergone by them and the fine sentences is affirmed.
9. It is reported that the applicants 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 Courts below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-

(Arvind Singh Chandel)
Judge