

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 148 of 2014**

1. Kashiram S/o Jodhan Sahu, aged about 50 years (wrongly mentioned as 45 years)
2. Sukhnandan S/o Jodhan Sahu, aged about 50 years (wrongly mentioned as 24 years),
3. Raghunandan S/o Jodhan Sahu, aged about 60 years, (wrongly mentioned as 22 years)
4. Komal S/o Sukhnandan Sahu, aged about 24 years,
5. Shatruhan @ Satan S/o Sukhnandan, aged about 23 years, (wrongly mentioned as 19 years)

All are R/o Village- Dalpuruwa, Police Station- Pandaria, Civil and Revenue District- Kabirdham (C.G.).

--- Applicants**Versus**

State of Chhattisgarh through the Station House Officer, Police Station- Pandaria, District- Kabirdham (C.G.).

---- Respondent

For Applicants	:	Ms. Sharmila Singhai, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**08/10/2018**

1. This revision has been preferred under Section 397 read with Section 401 of the Code of Criminal Procedure against the judgment dated 12/02/2014 passed by the Additional Sessions Judge (FTC), Kabirdham (Kawardha) (C.G.) in Criminal Appeal No. 60/2013, arising out of judgment of conviction and sentence dated 20/09/2013 passed in Criminal case No. 449/2008 by the Judicial magistrate First Class, Pandariya, convicting the applicants as mentioned below:-

Conviction	Sentence
U/s 147 of the IPC	Fine of Rs. 500/- with default stipulation.
U/s 452 of the IPC	RI for 6 months with default stipulation.
U/s 323/149 of the IPC	RI for 3 months with default stipulation.
U/s 323/149 of the IPC	RI for 3 months with default stipulation.
U/s 323/149 of the IPC	RI for 3 months with default stipulation.
U/s 323/149 of the IPC	RI for 3 months with default stipulation.
U/s 5 of the Tonhi Pratadna Nivaran Adhiniyam	RI for 1 year with default stipulation.

2. As per prosecution story, on 01/08/2008 at about 2 pm, it is alleged that all the applicants/accused after making an unlawful assembly, came to the house of victim- Mantora Bai and abused her by calling her as Tonhi. They also assaulted her. When, complainant- Santosh tried to intervene, they also assaulted him. During intervening, Hari Sahu (PW5), Kamlesh (PW7) and Ashok Sahu (PW6) were also assaulted by them. A report was lodged by complainant- Santosh (PW2). All the injured were examined by Dr. Ajay Dhruw (PW3). Statement of Witnesses under Section 161 of the Cr.P.C were recorded. During investigation, a charge-sheet was filed before the Judicial Magistrate First Class. After trial, the trial Court has convicted and sentenced the applicants as mentioned in the first paragraph of this order, which was also affirmed by the Appellate Court. Hence, this revision.
3. Learned counsel appearing on behalf of the applicants submits that she does not want to press this revision on merit of the case and confines her argument to the sentence part only. She further submits that out of total jail

sentence of 1 year, the applicants have undergone about 1 month. The incident is of the year 2008. The applicants are facing the *lis* since 10 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.

4. Learned Counsel appearing for the State opposes the prayer made by the counsel for the applicant.
5. I have heard Learned Counsel appearing for the parties and perused the material available on record.
6. Considering the above facts and circumstances of the case, particularly considering that out of total jail sentence of 1 year, the applicants have undergone about 1 month, they are facing the *lis* since 10 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.
7. Consequently, the revision is partly allowed. The conviction of the applicants under Sections 147, 452, 323/149, 323/149, 323/149, 323/149, & 323/149 of the IPC and Section 5 of the Tonhi Pratadna Nivaran Adhiniyam is upheld and they are sentenced to the period already undergone by them. The fine sentence is affirmed.
8. 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.

9. 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

Rahul