

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Revision No. 70 of 2007**

Laxmi Prasad S/o Bandhuras, aged about 24 years, Occupation- Labour R/o Chinddhar, P.S and Tehsil- Baikunthpur, District- Koriya (C.G.).

**--- Applicant****Versus**

State of Chhattisgarh, Through Station House Officer, Police Station- Baikunthpur District- Koriya (C.G.).

**---- Respondent**


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|----------------|---|-------------------------------------|
| For Applicant  | : | Mr. Rajendra Patel, Advocate        |
| For Respondent | : | Mr. N.K. Sharma, Dy. Govt. Advocate |

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Hon'ble Shri Justice Arvind Singh Chandel

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

1. This revision has been preferred under Section 397 read with Section 401 of the Code of Criminal Procedure against the judgment dated 02/02/2007 passed by the Sessions Judge, Koriya (C.G.) in Criminal Appeal No. 21/2006, affirming the judgment of conviction dated 24/02/2005 passed in Criminal Case No.734/2005 by the Chief Judicial Magistrate, Baikunthpur convicting the accused/appellant under Sections 324 and 506 Part-II of the IPC and sentenced him to undergo RI for 6 months with fine of Rs. 200/- and RI for 6 months with fine of Rs. 200/-, respectively with default stipulations.
2. As per prosecution story on 06/08/2000 at about 8:30 pm, a quarrel took place between the applicant and complainant- Chaya Soni. It is

alleged that the applicant abused the complainant and threatened her to kill. He assaulted her with knife and Shabbal. FIR (Ex.P-1) was lodged by the complainant. On the basis of the said FIR, offence was registered. During the course of investigation, one knife and one Sabbal were seized from the possession of the applicant vide seizure memo Ex.P-2. Injured/complainant was medically examined by Dr. Ashish Karan (PW5). He found 4 cut injuries on the body of the complainant and opined that all the injuries caused by sharp and hard object and the injuries were simple in nature. His report is Ex.P-5. Statement of witnesses under Section 161 of the Cr.P.C were recorded. After investigation, a charge-sheet was filed before the trial Court. The learned Chief Judicial Magistrate after trial acquitted the applicant from the charge framed under Section 294 of the IPC and convicted him under Section 324 and 506 Part-II of the IPC and sentenced him as mentioned in paragraph 1 of this order, which was also affirmed by the Appellate Court. Hence, this revision.

3. Learned counsel appearing on behalf of the applicant submits he does not want to press this revision on merit and confines his argument to the sentence part only. He further submits that the applicant has undergone about 24 days out of total jail sentence of 6 months, the incident is of the year 2000, the applicant is facing the *lis* since 18 years and he has no known criminal antecedent. Therefore, the jail sentence awarded to the applicant may be reduced to the period already undergone by him.
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 record.
6. Considering the above facts and circumstances, particularly considering that out of total jail sentence of 6 months, the applicant has undergone about 24 days of jail sentence and he is facing this *lis* since 2000, I am of the considered opinion that the ends of justice would be met if, while upholding the conviction imposed upon the applicant, the jail sentenced awarded to him is reduced to the period already undergone by him. However, the fine sentence of Rs. 200/- imposed under Section 324 of the IPC is enhanced to Rs. 10000/-. The fine sentence imposed under Section 506 Part-II is affirmed. The enhance amount of fine shall be deposited within 1 month from the date of receipt of copy of this order. In default of payment, the applicant shall be liable to undergo SI for 2 months. The fine amount already deposited shall be adjusted in the enhanced amount of fine.
7. Consequently, the revision is partly allowed to the extent indicated above.
8. It is reported that the applicant/accused is on bail. His bail bond is 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