

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 193 of 2013**

Smt. Pooja @ Puniya W/o Matukdhari @ Heera Lal, aged about 36 years R/o Ghutri Dafai, Loko Colony, Charcha, District- Korea (C.G.).

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police of Police Station Manendragarh, District Korea (C.G.).

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Mr. Shangarsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

14/11/2018

1. This revision has been preferred against the judgment dated 28/02/2013 passed in Criminal Appeal No. 29/2011 by the Second Additional Sessions Judge, Manendragarh arising out of judgment dated 31/01/2011 passed in Criminal Case No. 164/2008 by the Judicial Magistrate First Class, Manendragarh, District Korea convicting the accused/applicant under Section 379 of the IPC and sentenced him to undergo RI for 6 months with fine of Rs. 200/- with default stipulation.
2. As per prosecution story, on 14/04/2008 complainant- Nidhi Gupta was worshipping at temple with her mother. At that time, the applicant stolen her Mangalsutra. A report in this regard was made by the complainant. The police registered a case. Stolen Mangalsutra was seized from the possession of the applicant. After investigation, a charge-sheet was filed. During trial, total 6 witnesses have been examined by the

prosecution. After trial, the learned Trial Court has convicted and sentenced the applicant as mentioned in the first paragraph of this order, which was also affirmed by the Appellate Court also. Hence, this revision.

3. Learned Counsel appearing for the Applicant submits that he does not want to press this revision on merits and confines his argument to the sentence part only. It is further submitted that the Applicant is facing the *lis* since 2008 and out of total jail sentence of 6 months, the applicant has remained in custody for about 8 days during trial and after the judgment of the Appellate Court, he has remained in custody for about 19 days. In total, he has undergone about 27 days 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. 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. Considering the above facts and circumstances, particularly considering that out of total jail sentence of 6 months, the applicant has undergone about 27 days, he has no known criminal antecedent and he is facing the *lis* since 2008, I am of the view 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 and the fine imposed upon the

applicant under Section 379 of the IPC is enhanced to Rs. 5000/-. Ordered accordingly. The enhanced amount of fine shall be payable within 2 months from the date of receipt of a copy of this order. In default of payment, the applicant shall be liable to undergo RI for 2 months. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.

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