

HIGH COURT OF CHHATTISGARH, BILASPUR
Criminal Revision No. 248 of 2008

Shankar Lal S/o. Darash Ram Aged about 45 years, Occupation
Agriculture residence of village Bagbudwa, Police Station Sakti,
District Janjgir Champa (C.G.)

----Applicant

Versus

State of Chhattisgarh, Through District Magistrate, Raigarh (C.G.)

---- Respondent

For Applicant : None
For Respondent/ State : Ms. M. Asha, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor
Order on Board passed on 27.11.2018

1. This revision is directed against the judgment of conviction and order of sentence dated 07.04.2008 passed by the Additional Sessions Judge (FTC) Raigarh District Raigarh in Criminal Appeal No. 41 of 2007, affirming the judgment of conviction and order of sentence dated 26.10.2007 passed by the Judicial Magistrate, First Class, Raigarh in Criminal Case No. 621/2006, convicting and sentencing the accused/applicant as under:-

Applicant	Conviction	Sentence
Shankar Lal	420 IPC	RI for 3 months with fine of Rs. 1000/- with default stipulations

2. Case of the prosecution, in brief, is that on 26.09.2003 the complainant had given Rs. 50,000/- to the applicant in presence of the witnesses on the assurance of doubling the money within one month but the applicant did not return the money to the complainant and played fraud with him, therefore, on 01.11.2003 the complainant lodged the FIR in police station against the applicant. The matter was investigated and the charge sheet was filed before the trial Court.

3. After examining the material available on record and the evidence of the witnesses the trial Court convicted the accused/applicant under Section 420 IPC and imposed the sentence of fine as above. The findings recorded by the trial Court have subsequently been confirmed by the lower Appellate Court by the judgment impugned and it is that which is under challenge in this revision.

4. There is a certificate dated 17.11.2018 which shows that the accused/applicant herein died on 22.09.2013 i.e. during the pendency of this revision. However, this Court has to decide the case on its own merits, in view of the order passed by the Constitution Bench of Supreme Court in the matter of **Pranab Kumar Mitra v. State of WB** reported in AIR 1959 SC 144.

5. Here in this revision the applicant/accused remained unrepresented. State counsel however supports the judgment under assail and submits that the Courts below have recorded

the well reasoned finding while writing the judgment impugned and therefore, no interference there-with is needed by this Court.

6. Heard the State counsel and perused the evidence on record.

7. Having heard counsel for the State and perused the material available on record including the evidence of PW-3, PW-6 and PW-7 it gets crystallized that the applicant played fraud with the complainant and obtained Rs. 50,000/- from him in the presence of the witness on the assurance of doubling the money within one month but he did not return the money to him. The statements of all these witnesses are quite consistent and therefore there is no reason to disbelieve or discard the same. In this view of the matter, both the Courts below appear to have been fully justified in holding the accused/applicant guilty under Section 420 IPC Act and therefore, no infirmity or illegality is visible in the judgment under assail.

8. Revision therefore being without any substance is liable to be dismissed and it is dismissed as such.

Sd/-
(Vimla Singh Kapoor)
JUDGE