

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 381 of 2005**

Bhuvneshwar S/o Maya Ram R/o. Bajrangpara, Bhilai- 3, P.S. Bhilai- 3,
Distt. Durg (C.G.).

----Applicant

Versus

The State of Chhattisgarh, Police Station, Chhaoni, Distt. Durg (C.G.).

---- Respondent

For Applicant	:	Mr. Uttam Pandey, Advocate
For Respondent	:	Mr. Sumit Jhanwar, PL

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****08/01/2018**

- This revision has been preferred under Section 397 read with Section 401 of the Code of Criminal Procedure against the judgment dated 25/08/2005 passed in Criminal Appeal No. 09/2002 by 7th Additional Sessions Judge (Fast Track Court), Durg, whereby, the Learned Additional Sessions Judge has affirmed the judgment dated 18/12/2001 passed in Criminal Case No. 1157/1991 by the Judicial Magistrate First Class, Sarangarh, Distt. Raigarh convicting and sentencing the accused/Applicant as under:

<u>Conviction</u>	<u>Sentence</u>
Under Section 420 of the IPC	1 year R.I. & fine of Rs. 200 with default stipulation.

2. Case of the prosecution, in brief, is that in the month of July 1990, the Applicant had taken admission in Class-12 at National Higher Secondary School, Camp-2, Bhilai. It is alleged that he produced forged documents and mark-sheet for the said admission. When, the Principal of the said school doubted the school transfer certificate of the applicant, he inquired about the same from the Principal, Govt. Higher Secondary School, Temri, who in turn sent a written information stating therein that the said transfer certificate has not been issued by their School and the said transfer certificate does not bear his signature. Thereafter, a written report (Ex-P.1) was lodged by the Principal, National Higher Secondary School, Bhilai in Police Station- Chhawani on 17/11/1990, based on which, First Information Report (Ex-P.2) was registered against the accused/Applicant. After investigation, a charge-sheet under Sections 420, 467 and 468 of IPC was filed against the accused/Applicant. Charges were framed under Sections 420, 467, and 468 of the India Penal Code.
3. In support of its case, the prosecution has examined as many as 8 witnesses. Statement of the Applicant was also recorded under Section 313 of the Code of Criminal Procedure in which he denied the allegation made against him, pleaded innocence and false implication. No witness has been examined in defence of the Applicant.
4. After trial, the Trial Court convicted and sentenced the Applicant and the Appellate Court affirmed the judgment of conviction and sentenced as mentioned in the first paragraph of this order. Hence, this revision.

5. Learned Counsel appearing for the Applicant submits that he does not press this revision on merit and confines his argument to the sentence part only. He further submits that out of the total jail sentence of 1 year, the Applicant has already undergone about 1 month. At the time of incident, he was a student and aged about 17-18 years, the incident took place in the year 1990 and he is facing the *lis* since 1990 i.e. for about 27 years and he has no criminal antecedent, therefore, the sentence awarded to him may be reduced to the period already undergone by him.
6. Per contra, learned Counsel appearing for the State supported the impugned judgment
7. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
8. Looking to the facts and circumstances of the case, I am of the opinion that after 27 years of the incident, it would not be appropriate to sent back the Applicant to jail, who has already undergone about 1 month out of total jail sentence of 1 year. Therefore, the ends of justice would be met if, while upholding the conviction imposed upon the Applicant, he is sentenced with the period already undergone by him and the fine imposed upon him is enhanced to Rs. 10,000/-. Ordered accordingly. The enhanced amount of fine shall be payable within three months from the date of receipt of a copy of this order. In default of payment, the Applicant shall be liable to undergo simple imprisonment for 6 months. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.

9. Consequently, the revision is partly allowed to the extent indicated above.
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

Rahul