

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.477 of 2007**

Shyam Lal, S/o Rughuram Anant, aged about 42 years, R/o Village Danganiya, P.S. Kosir, Tahsil Sarangarh, District Raigarh, Chhattisgarh

---- **Applicant**

versus

State of Chhattisgarh through District Magistrate Raigarh, Chhattisgarh

--- **Respondent**

For Applicant : Shri J.R. Verma, Advocate

For State/Respondent : Shri Neeraj K. Sharma, Dy. Government Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

4.1.2018

1. This revision has been preferred against the judgment dated 12.9.2007 passed in Criminal Appeal No.27 of 2007 by the Additional Sessions Judge, Sarangarh arising out of the judgment dated 13.7.2007 passed in Criminal Case No.259 of 2004 by the Judicial Magistrate First Class, Sarangarh convicting and sentencing the Applicant as under:

<u>Conviction</u>	<u>Sentence</u>
Under Section 324 of the Indian Penal Code	Simple Imprisonment for 6 months and fine of Rs.300/- with default stipulation

The Appellate Court, by its judgment dated 12.9.2007, upheld the conviction, but modified the sentence awarded to the Applicant.

The Appellate Court reduced the sentence of Simple Imprisonment to 2 months, but enhanced the amount of fine to Rs.500/- with default stipulation.

2. Facts of the case, in brief, are that on 6.3.2004 at about 7:15 a.m., Complainant Shankar was taking a bullock-cart. When he reached near the house of the Applicant, the Applicant stopped him there. He abused and assaulted him with a Tangiya. The Complainant

lodged First Information Report (Ex.P1). On completion of the investigation, a charge-sheet was filed against the Applicant for offences punishable under Sections 294, 323, 506 and 324 of the Indian Penal Code. Charges were framed against him under Sections 294, 506 Part II and 324 of the Indian Penal Code.

3. After trial, the Trial Court convicted and sentenced the Applicant and the Appellate Court upholding the conviction modified the sentence as stated in the first paragraph of this order.
4. Learned Counsel appearing for the Applicant argued that he does not press this revision on merits and confines his argument to the sentence part only. He submits that out of the total sentence of 2 months' simple imprisonment, the Applicant has already undergone 40 days. He is facing the *lis* since 2004, i.e., for about 13 years. He has no criminal antecedent. Therefore, he may be sentenced with the period already undergone by him.
5. Per contra, Learned Counsel appearing for the State, supporting the impugned judgment, opposed the submission made on behalf of the Applicant.
6. I have heard Learned Counsel appearing for the parties and perused the record with due care.
7. Taking into consideration the facts and circumstances of the case, particularly, the period already undergone by the Applicant, I am of the opinion that sentencing the Applicant with the period already undergone by him and affirming the sentence of fine imposed upon him would meet the interest of justice. Ordered accordingly.
8. Consequently, the revision is allowed in part to the extent indicated above.

9. 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