

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 278 of 2005**

Gautam Ram Yadav S/o Shri Suraj Yadav, aged about 24 years, Occupation-Driver & Agriculture, R/o Village- Sardhapath Pakritoli, P.S-Bagicha, Distt.-Jashpur (C.G.).

----Applicant**Versus**

State of Chhattisgarh through District Magistrate, Jashpur (C.G.).

---- Respondent

For Applicant	:	Mrs. Indira Tripathi, Advocate
For Respondent	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****23/02/2018**

1. This revision has been preferred under Section 397 read with Section 401 of the Code of Criminal Procedure against the judgment dated 01/07/2005 passed in Criminal Appeal No. 12/2005 by the Learned Sessions Judge, Jashpur, arising out of judgment dated 04/04/2005 passed by the Chief Judicial Magistrate, Jashpur in Criminal Case No. 398/2000 convicting the accused/applicant under Section 498-A of IPC and sentenced to undergo RI for 1 year and 6 months and to pay fine of Rs. 500 with default stipulation.
2. Case of the prosecution, in brief, is that the marriage between complainant- Geeta Bai (PW1) and accused/applicant was took place prior to 8-9 years from the date of lodging the FIR. *Gona* was took place before 3-4 years, thereafter, the complainant was residing with the

accused/applicant at Village-Baghicha. It is alleged that after the birth of their daughter, the applicant demanded motor-cycle, T.V, buffalo and rice as dowry and beaten the complainant due to not fulfillment of his demand. On 18/02/2000, when she returned from her parental house to the house of the applicant. the applicant again beaten her by hand and Lathi on 21, 22 and 23 of February, 2000. Father of complainant-Geeta, after receiving message, came with some other persons to see Geeta and took her with them. Thereafter, on 29/02/2000, an FIR Ex.P-1 was lodged by the complainant- Geeta Bai. The complainant was examined by Dr. Smt. Thanhi Bakhla (PW8). On the basis of complaint, an offence under Section 498-A of IPC was registered. After investigation, a charge-sheet under Section 498-A of IPC was filed. Charges were framed. The applicant had denied all the charges framed against him and pleaded his innocence and false implication. The prosecution has examined as many as 8 witnesses. After trial, the learned CJM, Jashpur has convicted and sentenced the applicant as mentioned in paragraph one of this order, which was also affirmed by the First Appellate court vide order dated 01/07/2005. Hence, this revision.

3. Learned Counsel appearing for the applicant submits that she does not want to press this revision on merit and confines her argument to the sentence part only. She further submits that the matter is of the year 2000 and there is no criminal antecedent of the applicant and he is facing the *lis* since 2000. It is further submitted that at present both complainant and accused/applicant have got performed second marriage about 10 years back and both are having children from their respective second marriages. It is further submitted that the applicant has already

undergone about 15 days, therefore, the jail sentence awarded to him may be reduced to the period already undergone by him.

4. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded to the applicant is just and proper and requires no interference.
5. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
6. It is not in dispute that the matter relates to the year 2000 and the applicant is facing the */is* since last about 17-18 years. As submitted by the counsel for the applicant that both complainant and applicant have performed second marriages. Moreover, the applicant has no known criminal antecedent and he has already undergone for about 15 days.
7. Considering the above facts and circumstances, 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 and the fine imposed upon him is enhanced to Rs. 10,000/- each. Ordered accordingly. The enhanced amount of fine shall be payable within one month 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.
8. Consequently, the revision is partly allowed 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

Rahul