

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 125 of 2013**

Chumeshwarlal Sahu, S/o Mannulal Sahu, Aged about 30 years, R/o Village-
Devgaon, P.S.- Fingeshwar, District- Gariyaband (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through- P.S.- Fingeshwar, Distt. Gariyaband (C.G.).

---- Respondent

For Applicant	:	Mr. Rajesh Tiwari, Advocate
For Respondent	:	Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

11/10/2018

1. This revision has been preferred under Section 397 read with Section 401 of the Code of Criminal Procedure against the judgment dated 06/02/2013 passed by the Additional Sessions Judge, Gariyaband (C.G.) in Criminal Appeal No. 53/2012, arising out of judgment of conviction and sentence dated 26/11/2012 passed in Criminal case No. 233/2010 by the Judicial magistrate First Class, Rajim, convicting the applicant under Sections 337 and 304-A of the Indian Penal Code and sentenced him to undergo RI for 6 months (3 times) with fine of Rs. 100 (3 times) & and RI for 1 year with fine of Rs. 200/-, respectively, with default stipulations.
2. As per prosecution story, on 30/03/2010, complainant- Channulal Sahu was going on his bike bearing registration no. CG04 FB 1264 to village-Barula. His *Samdhi*- Devram Sahu was also going with him on his own motor-cycle bearing registration no. CG04 FB 5294. At about 9:00 pm near

Chetra Mod, both were discussing. At that time, Arjun was also present on his motor. It is alleged that the applicant on his tractor bearing registration no. CG04 DA 2594 by rash and negligent driving, dashed all of them. Due to which, Chhanulal and Devlal sustained injuries on their bodies and Arjun died. FIR was lodged by Chhanulal Sahu. Offence has been registered. After investigation, a charge-sheet was filed. Charges were framed. After trial, the 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. Hence, this revision.

3. Learned counsel appearing on behalf of the applicant submits that he does not want to press this revision on merit of the case and confines his argument to the sentence part only. He further submits that out of total jail sentence of 1 year, the applicant has undergone about 22 days during pendency of this revision. The incident is of the year 2010. The applicant is facing the *lis* since 8 years 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. Learned Counsel appearing for the State opposes the prayer made by the counsel for the applicant.
5. I have heard Learned Counsel appearing for the parties and perused the material available on record.
6. Considering the above facts and circumstances of the case, particularly considering that out of total jail sentence of 1 year, the applicant has undergone about 22 days, he is facing the *lis* since 8 years and he has no known criminal antecedent, 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 him under Section 304-A of IPC is enhanced to Rs. 25,000/-. The fine sentence under Section 337 of the IPC is affirmed, 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 SI for 3 months. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.

7. Entire fine amount which will be deposited by the applicant shall be given to the legal heirs of the deceased- Arjun as compensation.
8. Consequently, the revision is partly allowed to the extent indicated above.
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