

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 153 of 2013**

Mannuram S/o Budhram Thakur, aged about 45 years, R/o Village- Kasauda, Police Station- Ranchirai, District Durg (C.G.).

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Mr. B.P. Singh, Advocate
For Respondent	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

28/11/2018

1. This revision has been preferred against the judgment dated 28/10/2013 passed in Criminal Appeal No. 3/2011 by the First Additional Sessions Judge, Durg (C.G.) arising out of judgment dated 30/12/2010 passed in Criminal Case No. 212/2008 by the Judicial Magistrate First Class, Gunderdehi, District Durg convicting the accused/Applicant under Section 325 of the IPC and sentenced him to undergo RI for 3 months and to pay fine of Rs. 500/- with default stipulation.
2. As per prosecution story, on 22/03/2008 at about 4:00 pm, Complainant Sukhram (PW1) was seated with his wife namely Fulkunwar Bai. It is alleged that the Applicant came there and asked about vegetable. Thereafter, some dispute took place and the Applicant abused and assaulted the Complainant with hands and fists.

The Complainant sustained injuries over his chest, chin and other parts of the body. The matter was reported by the Complainant. On the basis of said report, offence has been registered. After investigation, a charge-sheet was filed and the charges were framed.

3. After trial, the learned Judicial Magistrate First Class 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.
4. Learned Counsel appearing for the Applicant submits that he does not want to press this revision on merits and confines his argument to the sentence part only. He further submits that the incident is of the year 2008, the Applicant is facing the *lis* since 10 years, out of total jail sentence of 3 months the Applicant has undergone about 8 days and there is no known criminal antecedent against him, therefore, the jail sentence awarded to the Applicant may be reduced to the period already undergone by him.
5. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.
6. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
7. Considering the above facts and circumstances, particularly considering that out of total jail sentence of 3 months, the Applicant has undergone about 8 days and he is facing the *lis* since 2008, 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 the Applicant under Section 325 IPC is enhanced to Rs. 20,000/-. Ordered accordingly. The enhanced amount of fine shall be payable within 1 month from the date of receipt of a copy of this order. In default of payment, the Applicant shall be liable to undergo RI for 1 month. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.

8. It is directed that total fine amount deposit by the Applicant shall be given to the Injured/Complainant Sukhram as compensation.
9. Consequently, the revision is partly allowed to the extent indicated above.
10. It is reported that the Applicant/accused is on bail. His bail bond is not discharged at this stage and the same shall remain operative for a further period of 6 months in view of the provisions contained in Section 437-A of the Code of Criminal Procedure.
11. 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