

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 135 of 2013**

Bhuri Bai W/o Dalla, Aged about 35 years, R/o Village, Achanakpur, P.S.-
Chakarbhata, Tahsil Bilha, Distt. Bilaspur (C.G.).

---- Applicant**Versus**

State of Chhattisgarh Through Police Station Chakarbhata, Distt. Bilaspur (C.G.)

---- Respondent

For Applicant	:	Mr. Sushobhit Singh, Advocate
For Respondent	:	Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

19/11/2018

1. This revision has been preferred against the judgment dated 20/02/2013 passed in Criminal Appeal No. 42/2013 by the Third Additional Sessions Judge, Bilaspur arising out of judgment dated 11/01/2013 passed in Criminal Case No. 128/2012 by the Judicial Magistrate First Class, Bilha convicting the accused/Applicant under Section 379 of the IPC and sentenced him to undergo RI for 1 year with fine of Rs. 2000/- with default stipulation.
2. As per prosecution story, on 22/09/2011 Complainant Divya along with her mother was going in an Auto rickshaw from Chakarbhata, Station to Chakarbhata Kent. The Applicant was also seated in the said Auto-rickshaw. It was alleged that during traveling, one purse of Rekha Katiyal was stolen in which 5 golden rings and other articles including one mobile phone were kept, total worth Rs. 75,000/-. The First

Information Report was recorded vide Ex.P-1. During investigation on the basis of memorandum statement of the Applicant, stolen articles were seized from his possession vide Ex.P-6 which was also identified by the Complainant. After investigation, a charge-sheet was filed. Charges were framed. To prove the guilt of the Applicant, the prosecution has examined as many as 11 witnesses.

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 2011, the Applicant is facing the *lis* since 7 years, out of total jail sentence of 1 year the Applicant has undergone about 13 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 1 year, the Applicant has

undergone about 13 days and he is facing the *lis* since 2011, 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 379 IPC is enhanced to Rs. 25,000/-. 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 3 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. 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 Cr.P.C.
10. 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