

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 21 of 2013**

Jaiprakash @ Bilaspuriya @ Nanki S/o Masatram Kewat, aged about 35 years,
R/o Village Lavasara, P.S.- Baradwar, Distt. Janjgir Champa (C.G.).

--- Applicant**Versus**

State of Chhattisgarh, through P.S. Baradwar, Distt. Janjgir Champa (C.G.).

---- Respondent

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

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 03/01/2013 passed by the Ist Additional Sessions Judge, Sakti, Distt. Janjgir-Champa (C.G.) in Criminal Appeal No. 164/2011, arising out of judgment of conviction and sentence dated 23/08/2011 passed in Criminal case No. 1208/2008 by the Judicial magistrate First Class, Sakti, convicting the applicant under Section 325 of the Indian Penal Code and sentenced him to undergo RI for 6 months and to pay fine of Rs. 100, with default stipulation.
2. As per prosecution story, on 03/08/2008 at about 4:00 pm, complainant-Keshav Pandey (PW5) was going to village- Jetha on his Auto. It is alleged that the applicant was coming from opposite side from his tractor bearing No. MP-26-E-8333, at that time some quarrel took place between the

complainant and the applicant. It is alleged that the applicant assaulted him by his leg. The complainant sustained injuries on his leg. The incident was witnessed by Sushila Bai who was seated at that time inside the Auto of the complainant. The matter was reported by the complainant. FIR has been registered vide Ex.P-5. Injured complainant has been examined by Dr. P. Singh (PW2). As per X-ray report, there was fracture on the right knee of the complainant.

3. Statement of witnesses under Section 161 of the Cr.P.C were recorded. After investigation, a charge-sheet was filed. 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.
4. 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 6 months, the applicant has undergone about 15 days. The incident is of the year 2008. The applicant is facing the *lis* since 10 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.
5. Learned Counsel appearing for the State opposes the prayer made by the counsel for the applicant.
6. I have heard Learned Counsel appearing for the parties and perused the material available on record.
7. Considering the above facts and circumstances of the case, particularly

considering that out of total jail sentence of 6 months, the applicant has undergone about 15 days, he is facing the /is since 10 years and he has no known criminal antecedent, I am of the view that that the ends of justice would be met if, while upholding the conviction imposed upon the appellant, 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/-. 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

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