

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 56 of 2013**

Rakesh Kumar Soni S/o Laxminarayan Soni, aged about 30 years R/o Sonarpara Champa, Police Station- Champa, at present residing at Rampur, Kartala, Police Station- Kartala, District- Korba (C.G.).

---- Applicant

Versus

State of Chhattisgarh, through- District Magistrate Korba, Police Station- Korba, Police Station- Korba, District- Korba (C.G.).

---- Respondent

For Applicant	:	Mr. Ashok Kumar Swarnkar, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

22/10/2018

1. This revision has been preferred against the judgment dated 15/01/2013 passed in Criminal Appeal No. 17/2011 by the Additional Sessions Judge, Korba, Distt. Korba, arising out of judgment dated 30/04/2011 passed in Criminal Case No. 349/2009 by the Judicial Magistrate First Class, Kartala, District- Korba, convicting the accused/applicant under Section 429 of the IPC and Section 11 (1) (a) of the Prevention of Cruelty to Animals Act, 1960 and sentenced him to undergo RI for 6 months with fine of Rs. 3000/-, and fine of Rs. 50/-, respectively with default stipulations.
2. As per prosecution story on 10/08/2009 at about 16:15, a FIR was lodged by one Vivek Maharaj (PW7), wherein, it was alleged that on

09/08/2009 at about 6:00 pm, the present applicant had dragged one red coloured calf through his Motor-cycle and he threw that calf in the graveyard of Village- Rampur. Due to this, the said calf received several injuries. Later on, the calf died. The calf belongs to one Mohd. Iqbal. On the basis of said report, offence was registered. After investigation, a charge-sheet has been filed against the present applicant before the Judicial Magistrate First Class, Kartala. Charges were framed. 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.

3. 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. It is further submitted that the Applicant is facing the *lis* since 9 years and out of total jail sentence of 6 months, he has undergone about 17 days, therefore, he prays that the jail sentence awarded to the Applicant 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 by the trial Court 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. Considering the above facts and circumstances, particularly considering that out of total jail sentence of 6 months, the Applicant

has undergone about 17 days and he is facing the *lis* since 9 years 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 under Section 429 of IPC is enhanced to Rs. 10,000/-, and the fine sentence imposed under Section 11 (1) (a) of the Prevention of Cruelty to Animals Acts, 1960 is affirmed. Ordered accordingly. The enhanced amount of fine under Section 429 of IPC 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 2 months. If any amount has already been deposited towards fine under Section 429 of IPC, the same shall be adjusted in the amount of fine imposed/enhanced today.

7. Consequently, the revision is partly allowed to the extent indicated above.
8. 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.
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