

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 160 of 2013**

Vikas Deshmukh S/o Durga Prasad Deshmukh, aged about 30 years, R/o Ganjpara, Durg, P.S. Durg, Tahsil and District- Durg (C.G.).

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Mr. Atanu Ghosh, Advocate
For Respondent	:	Mr. Bhaskar Payashi, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**29/10/2018**

1. This revision has been preferred against the judgment dated 27/02/2013 passed in Criminal Appeal No. 67/2012 by the First Additional Sessions Judge, Durg, arising out of judgment dated 14/03/2012 passed in Criminal Case No. 1195/2006 by the Chief Judicial Magistrate, Durg, convicting the accused/applicant under Sections 325 and 294 of the IPC and sentenced him to undergo RI for 6 months with fine of Rs. 6000/- and RI for 1 month, respectively, with default stipulation.
2. As per prosecution story, on 04/03/2006, complainant- Hiru @ Sima Rajak was arguing with one Monu due to some dispute. At that time, the applicant was present there. He abused the complainant and punched on her face. The complainant sustained grievous injuries.

FIR has been lodged vide Ex.P-1. After investigation, a charge-sheet was filed. Charges were framed. To guilt the applicant, the prosecution has examined as many as 8 witnesses. 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 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 incident is of the year 2006 and the Applicant is facing the *lis* since 12 years. Out of total jail sentence of 6 months, the Applicant has undergone about 8 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 8 days and he is facing the *lis* since 12 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 the applicant under Section 325 of IPC is enhanced to

Rs. 50,000/-. Ordered accordingly. The enhanced amount of fine shall be payable within 2 months 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.

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