

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 190 of 2013**

Kamal Kishore @ Raju S/o Budhram Satnami, Aged about 32 years, R/o Basti Baradwar, P.S. Baradwar, District Janjgir Champa (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer Police Station Baradwar District Janjgir Champa (C.G.)

---- Respondent

For Applicant	:	Mr. Deepak Kumar Singh, Advocate
For Respondent	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**04/12/2018**

1. This revision has been preferred against the judgment dated 01/03/2013 passed in Criminal Appeal No. 55/2012 by the First Additional Sessions Judge, Sakti (C.G.) arising out of judgment dated 23/02/2012 passed in Criminal Case No. 239/2009 by the Judicial Magistrate First Class, Sakti District Janjgir-Champa (C.G.) convicting the accused/Applicant under Section 457 of the IPC 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 10/05/2009 in the night, Complainant Brij Mahant (PW1) was sleeping with his father Amar Das. His wife Sweta Mahant (PW2) was sleeping with his mother namely Santara Bai at courtyard. At about 11 pm, Sweta Mahant shouted that someone tried

to untie her anklet. On being listen her shout, the Complainant chased the Applicant and caught hold him. The matter was reported and offence has been registered. After investigation, a charge-sheet under Section 457 of the IPC was filed.

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 2009, the Applicant is facing the *lis* since 9 years, out of total jail sentence of 6 months the Applicant has undergone about 1 month 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 6 months, the Applicant has undergone about 1 month and he is facing the *lis* since 2009, 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 sentence imposed upon the Applicant under Section 457 IPC is enhanced to Rs. 7,000/-. 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 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. 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.
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