

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 471 of 2014**

1. Laxmi Narayan Sao S/o Arjun Sao, aged about 55 years,
2. Golu @ Devendra Kumar S/o Laxmi Narayan, aged about 20 years,
Both R/o Bade Bhandar, Thana Pussor, Civil Revenue District- Raigarh (C.G.).

--- Applicants**Versus**

State of Chhattisgarh, Through District Magistrate, Raigarh, District- Raigarh (C.G.).

---- Respondent

For Applicant	:	Mr. Shakti Raj Sinha, Advocate
For Respondent	:	Mr. Arvind Shukla, PL

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****07/08/2018**

1. This revision has been preferred under Section 397 read with Section 401 of the Code of Criminal Procedure against the judgment dated 29/04/2014 passed by the Additional Sessions Judge, Raigarh (C.G.) in Criminal Appeal No. H-33/2014, affirming the judgment of conviction dated 26/02/2014 passed in Criminal Case No. 16/2013 by the Judicial Magistrate First Class, Raigarh convicting the accused/appellants under Sections 447 and 427/34 of the IPC and sentenced them to pay fine of Rs. 100/- and Rs. 200/- each, respectively.
2. As per prosecution story, complainant- Gayatri made a written complaint at police station to the effect that her mother had expired and she is her soul issue. She secured a boundary by cement poles

and fencing over her property. It was alleged that the applicants/accused have disturbed the fencing and trespassed over her property. On the basis of said report, FIR was registered and after investigation, a charge-sheet under Section 447 & 427/34 of was submitted. After trial, vide judgment dated 26/02/2014, the learned JMFC has convicted the applicants for the offence punishable under Sections 447 and 427/34 of the IPC and sentenced them with fine of Rs. 100/- and Rs. 200/- each, respectively. Being aggrieved with the said order of conviction, the applicant moved an appeal before the learned Appellate Court and vide judgment dated 29/04/2014, the Appellate Court dismissed the appeal and confirmed the order of conviction and sentence passed by the learned JMFC. Hence this revision.

3. Learned counsel appearing on behalf of the applicant submits the as instructed, he is not contesting this revision on merits regarding judgment and conviction passed by the trial Court and confirmed by the Appellate Court. He is also not contesting this revision over fine sentence part. He further submits that the applicants are the first offenders. The incident is of the year 2011. The applicants have no known criminal antecedent. There was a previous civil dispute between both the parties and due to that the incident occurred. He further submits that the applicants have deposited the entire fine amount and they have not committed any offence even after the incident. He further submits that applicant No. 1 is still in service and due to conviction, his service career may be suffered. Applicant No. 2 is aged about 20 years, there is bright future in front of him, and due to

this conviction, his career may be suffered. Therefore, he prays that considering the entire circumstances while affirming the conviction, it may be directed that the sentence imposed upon the applicants shall not affect their career.

4. Learned Counsel appearing for the State opposes the prayer for grant of bail and supported the impugned judgment.
5. I have heard Learned Counsel appearing for the parties and perused the record.
6. On minute examination, I do not find any reason to interfere with the order of conviction passed by the trial Court and affirmed by the Appellate Court.
7. From the evidence, it is clear that there was a previous dispute between both the parties regarding immovable property. Both the applicants have been sentenced with fine of Rs. 100/- and 200/- only. Applicant No. 2 is aged about 20 years and there is a bright future in front of him. Even he has no known criminal antecedent and he is facing this *lis* since last 7 years.
8. Considering all the aspects, the revision filed by the applicants is dismissed.
9. So far as, the applicants are concerned, it is directed that the fine sentence awarded to them shall not affect their career and service, if any, in any manner.

Sd/-
(Arvind Singh Chandel)
Judge