

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Revision No. 543 of 2014**

Tanveer Alam S/o Jahir Alam, aged about 26 years R/o Old Geedam Naka Jagdalpur P.S. Bodhghat, Revenue and Civil District Bastar (C.G.).

**---- Applicant****Versus**

State of Chhattisgarh, through Police Station Bodhghat, District Bastar (C.G.)

**---- Respondent**


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| For Applicant  | : | Mr. Pravin Kumar Tulsiyan, Advocate |
| For Respondent | : | Ms. Smita Ghai, PL                  |

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order on Board**

**27/11/2018**

1. This revision has been preferred against the judgment dated 27/03/2014 passed in Criminal Appeal No. 27/2012 by the Second Additional Sessions Judge, Bastar, Place Jagdalpur (C.G.) arising out of judgment dated 29/05/2012 passed in Criminal Case No. 346/2010 by the Judicial Magistrate First Class, Jagdalpur convicting the accused/Applicant under Section 379 of the IPC & under Section 5/16 of Van Upaj Vyapar Act 1969 and sentenced him to undergo RI for 1 year with fine of Rs. 500/- and RI for 6 months with fine of Rs. 500/-, respectively with default stipulations.
2. As per prosecution story, on 29/08/2009 the Police official received a secret information that the Applicant is having 12 pieces of teak-wood in his house. On the basis of said information, the Police made a search and seized 20 pieces of teak wood from the possession of the

Applicant. After investigation, a charge-sheet was filed and charges were framed.

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 1 year the Applicant has undergone about 7 days during trial and 5 months 3 days after the judgment of the Appellate Court, 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 1 year, the Applicant has undergone about 5 ½ months 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.

8. Consequently, the revision is partly allowed. The conviction of the Applicant under Section 379 of the IPC and under Section 5/16 of Van Upaj Vyapar Act, 1969 is upheld and he is sentenced to the period already undergone by him. The fine sentence is affirmed.
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**