

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 799 of 2016**

Deshuram S/o Narsingh, aged about 60 years R/o Village- Dhangaon, Police Station- Doundilohara, District- Balod (C.G.).

---- Applicant**Versus**

State of Chhattisgarh, through the Station House Officer, Police Station- Doundilohara, District- Balod (C.G.)

---- Respondent

For Applicant	:	Mr. Sanjeev Kumar Sahu, Advocate
For Respondent	:	Mr. Ramakant Pandey, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**17/07/2018**

1. This revision has been preferred under Section 397 & 401 of Cr.P.C. against the judgment dated 11/08/2016 passed in Criminal appeal No. 86/2015 by the Second Additional Sessions Judge, Balod, District- Balod arising out of judgment dated 12/08/2015 passed in Criminal Case No. 244/2009 by the Judicial Magistrate First Class, Doundilohara convicting the applicant under Sections 419, 468/109 and 471/109 of IPC and sentenced him to undergo RI for 1 year with fine of Rs. 1000/-, RI for 1 year with fine of Rs. 1000/- and RI for 1 year with fine of Rs. 1000/-, respectively with default stipulations.
2. Case of the prosecution, in brief, is that on 02/02/1993, Police Station- Doundilohara received a memo from the Executive Magistrate to the

effect that case no. 14/1992 and counter case no. 13/1992 arising out of Ishtagasha No. 34/1992 & 33/1992 under Section 107 and 116 of Cr.P.C, a personal bond of Punau S/o Tijau was submitted for execution of bail bond of accused Bharosaram and 4 others, though the said Punau has already died on 18/10/1989. On the basis of above memo, offence under Sections 419, 420, 468 & 471 of IPC was registered against the applicant and other co-accused persons. After investigation, charge-sheet was filed before the Court below. In order to prove the charges, the prosecution has examined as many as 21 witnesses. After trial, the trial Court has convicted and sentenced the applicant as mentioned in para 1 of this order, which was also affirmed by the Appellate Court also. 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 out of total jail sentence of 1 year, the applicant has undergone for about 12 days during trial and since 21/09/2017, he is still in custody, 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 the applicant is in custody since 21/09/2017 and has undergone about 10 months out of total jail sentence of 1 year, I am of the considered opinion that the ends of justice would be met if, while upholding the conviction imposed upon the applicant, the jail sentence awarded to him is reduced to the period already undergone by him.

7. Consequently, the revision is partly allowed. The conviction of the accused/applicant under Sections 419, 468/109 and 471/109 is uphold, however, the jail sentence awarded to him is reduced to the period already undergone by him. The fine sentence is also affirmed.
8. 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