

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 572 of 2006**

1. Bhajan Das S/o Tejram Mahant, Aged About 31 Years R/o Village-Nandeli, Thana-Pussore, Tahsil And District-Raigarh (C.G.).
2. Ghunaru Das S/o Tejram mahant, aged about 33 years R/o Village-Nandeli, Thana-Pussore, Tahsil And District-Raigarh (C.G.).

---- Applicants**Versus**

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

---- Respondent

For Applicants	:	Applicants in person
For Respondent/State	:	Mr. Wasim Miyan, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22.08.2019**

1. The present revision arises out of the impugned judgment of conviction and order of sentence dated 15.09.2006 passed by the learned 1st Additional Sessions Judge, Raigarh, C.G. in Criminal Appeal No. 167/2005 whereby, the learned appellate Court below has confirmed the conviction and sentence of the accused/applicants as awarded by the learned Judicial Magistrate First Class, Raigarh, vide its judgment dated 25.11.2005 in Criminal Case No. 102/2005 for the offence under Section 325 read with 34 of IPC and sentenced each of them to undergo R.I. for 1 year and fine of Rs. 500/-, plus default stipulation.
2. Brief facts of the case are that on 03.01.2004, Dilan Bai has lodged an oral report at police station Pussore along with her husband that she gave contract to Bhajan Das Mahant (Applicant No. 1) for cultivating her half acre land upon consideration of 3^{1/2} bags of paddy. It is further alleged that on 03.01.2004 at about 10.00 hours, when she asked for the said paddy, Bhajan Das abused her and beat with wooden stick. When her husband

and son came to rescue, Ghunaru Das had also beaten them. After completion of investigation, charge sheet was filed and charges were framed by the trial Court against accused/applicants under Section 325 read with 34 of IPC.

3. So as to hold the accused/applicants guilty, the prosecution has examined as many as 10 witnesses. Statement of the accused/applicants were also recorded under Section 313 of the Cr.P.C. in which they denied the charges leveled against them and pleaded innocence and false implication in the case.
4. After hearing the parties, vide impugned judgment of conviction and order of sentence dated 25.11.2005, learned Judicial Magistrate has convicted and sentenced the accused/applicants for the offence under Section 325/34 of IPC and sentenced each of them to undergo R.I. for 1 year and to pay fine of Rs. 500/- with default stipulation. This order was appealed by the applicants and in the appeal, learned Appellate Court has confirmed the conviction and sentence of the applicants. Hence, the present revision.
5. Applicants in person are present before this Court and submits that they are not pressing the revision so far as it relates to the conviction part of the judgment and would confine their argument to the sentence part thereof only. According to them, the incident is said to have taken place in the year 2004, and thereby more than 15 years have rolled by since then. The applicants have already remained in jail for more than one month, and no useful purpose would be served in again sending them to jail, therefore, in the interest of justice, it would be appropriate if the sentence imposed upon them may be reduced to the period already undergone by them.
6. Learned counsel for the State has no objection to this preposition.
7. Heard learned counsel for the parties and perused the material on record including the impugned judgment.
8. Having gone through the material on record and the evidence of the witnesses Dhillan Bai (PW-1), Manku Das (PW-2), Nandu (PW-3), R. N. Mandavi (PW-6), Milan Das (PW-7), Banshidhar (PW-8), Girdhari Saw (PW-9) and Dhobiram (PW-10), which establishes the involvement of the accused/applicants in the crime in question beyond reasonable doubt. This Court does not see any illegality in the findings recorded by both the Courts below as regards conviction of the appellants under Section 325/34 of IPC.

9. As regards sentence, keeping in view the fact that the incident had taken place in the year 2004, and further that the appellants have already remained in jail for more than one month, therefore, their sentence is liable to be reduced to the period already undergone by them.
10. In view of the above consideration, the revision is partly allowed. While maintaining the conviction of the applicants, they are sentenced to the period already undergone by them. The applicants are on bail. Their bail bonds shall stand discharged.

**Sd/-
(Rajani Dubey)
JUDGE**