

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 584 of 2008

Balvant Singh S/o. Shri Kalu Ram, Aged about 73 years, R/o. Near Sao Aata Chakki, Devrikhurd, P.S. Torwa, Bilaspur, District Bilaspur (C.G.)

---- Applicant

Versus

1. State of Chhattisgarh, Through District Magistrate, Bilaspur District Bilaspur (C.G.)
2. Pushpa Devi Yadav W/o. Rajendra Prasad Singh, Aged about 66 years, R/o. Quarter No. 1096/A, Railway Construction Colony, P.S. Tarbahar, Bilaspur, District Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Sourabh Sharma, Advocate
For Respondent : Mr. Himanshu Sharma, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board on 29.04.2019

Complainant/ Respondent No. 2 filed a complaint case before the Magistrate, alleging that the applicant and her husband are known to each other. It is alleged that the applicant demanded Rs. 75,000/- from her husband as loan for construction of the house when her husband refused to fulfill his demand, the applicant threatened to malign their image in the society. Eventually, on 08.01.2001, the applicant got published his photograph along with the complainant/respondent No. 2 posing themselves as husband and wife in Nav Bharat newspaper. Thus, the act of the applicant falls within the sweep of Section 500 IPC.

2. By the judgment dated 31.03.2008 learned trial Court convicted the accused/applicant under Section 500 IPC and sentenced him to undergo RI for three months on appeal learned Appellate Court has been modified the sentence part and convicted him to undergo RI for one month to that of RI for three months and to pay fine of Rs. 2000/-. Hence, this revision.

3. Counsel for the applicant/accused does not assail the conviction part of the judgment impugned and his only request is that looking to the incident being quite old and the applicant is retired person and also considering the fact that he has remained under detention of 03 days, the jail sentence imposed on him may be reduced to the period already undergone by him.

4. State counsel however, supports the findings recorded by the both the Courts below.

5. Heard the State counsel and perused the evidence on record.

6. From the over all evidence adduced by the prosecution it is apparent that when the complainant expressed his inability to fulfill the demand of the applicant , he got published his photograph along with the wife of the complainant in order to pose them as husband and wife and thereby tried to malign the image of the complainant in the society. Thus, the findings recorded by the Magistrate holding the applicant guilty under Section 500 IPC does not suffer from any legal or factual infirmity so as to call for any interference in the revision, therefore, it is hereby maintained.

7. As far as the sentence part of the judgment impugned is concerned, looking to the fact that the incident had taken place 18 years ago and the applicant is a retired pensioner and he has already remained in jail for a period of 03 days and deposited fine amount imposed on him, in my opinion, no useful purpose is going to be served in again sending him to jail. Accordingly, his sentence is reduced to the period already undergone by him. However, the sentence of fine under section 500 IPC is enhanced from Rs. 2000/- to Rs. 4000/-. Let this amount be deposited in the Court below within a period of 4 months from today or else they may not derive the benefit of this order.

8. With the above, the revision stands allowed in part

Sd/-

(Vimla Singh Kapoor)

JUDGE