

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 162 of 2005

Jivan Suryavanshi S/o. Babulal Suryavanshi, aged about 34 years,
R/o. Sector 4, Qutr No. 6D, Bhilai, Thana- Bhilai Bhatti, District
Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh

---- Respondent

For Applicant : Ms. Smita Jha, Advocate
For Respondent : Mr. I Lakra, Dy. Govt. Advocate

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

28.01.2019

1. By way of the instant revision, the applicant has challenged the judgment of conviction and sentence dated 08.04.2005 passed by Additional Sessions Judge (FTC) Durg, in Criminal Appeal No. 27/2001, modifying the judgment impugned passed by learned Magistrate, as far as sentence part is concerned.
2. Facts of the case, in short, are that on 16.10.1998, acting upon a secrete information regarding the accused/applicant engaged in playing the game of speculation. From his possession, speculation lips, one dot pen, weekly chart, and sum of Rs. 20,100/- was seized in the presence of the witnesses. After registration of the case and completion of investigation charge sheet was filed against the accused/applicant under Section 4-A of the Public Gambling Act.

3. Learned Magistrate having perused the material before it convicted the accused/applicant under Section 4-A of the Public Gambling Act. However on appeal, the conviction has been affirmed by the judgment impugned but the sentence of RI for four months imposed by the trial Court has been reduced to RI for two months and to pay fine of Rs. 1000/-. Hence, this revision.

4. 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 also considering the fact that he has remained under detention of about 8 days, the jail sentence imposed on him may be reduced to the period already undergone and thereby protect his well settled family life from being up-rooted at this stage. State counsel, however, supports the judgment impugned.

4. From the material available on record, it is apparent that the accused/applicant was caught red-handed while engaged in speculation activities and from his possession, speculation lips, one dot pen, weekly chart, and sum of Rs. 20,100/- have been seized in the presence of the witnesses. Thus, the finding of conviction recorded by both the Courts below appear to be fully justified. It is hereby maintained.

5. However, looking to the fact that the incident had taken place in the year 1998 and thereby more than 21 years have passed by, and further that the accused/applicant has already remained inside the jail about 8 days, this Court thinks it proper

to reduce the sentence imposed on him to the period already undergone, so that his already settled family life is not landed to crises. Order accordingly.

6. Revision allowed in part.

Sd/-
(Vimla Singh Kapoor)
JUDGE

Santosh