

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Criminal Revision No. 372 of 2007**

Bahoran Singh, S/o. Ganesh Singh Khusaro, Aged about 39 years,  
Occupation Cultivator, R/o. Village Junwani, P.S. Sahaspur Lohara,  
District Kabirdham (C.G.) **---- Applicant**

**Versus**

State of Chhattisgarh, through the District Magistrate, Kawardha,  
District Kabirdham (C.G.) **---- Respondent**

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For the Applicant : Mr. Malay Shrivastava, Advocate  
For the Respondent : Shri Aman Kesharwani, PL  
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**Hon'ble Smt. Justice Vimla Singh Kapoor**

**Order on Board**

**29.03.2019**

By the impugned judgment under challenge passed on 02.07.2007 by learned Sessions Judge Kabirdham, in Criminal Appeal No. 10 of 2007, the findings recorded by the learned Judicial Magistrate First Class Kawardha, convicting the accused/applicant under Sections 408 and 467 IPC and sentencing him to undergo RI for 3 years and to pay fine of Rs. 1000 u/s. 408 IPC and RI for 3 years with fine of Rs. 2000/- u/s. 467 IPC with default stipulations have been affirmed.

**2.** Facts of the case, in short, are that on 30.07.1998 complainant Heeralal Vishvakarma officer-in-charge of Adim Jati Sewa Sahkari Samiti, Rajnandgaon lodged FIR (Ex.P-35) in Police

Station Sahaspur Lohara wherein it is stated that Inspector Santosh Yadu audited Sahkari Samiti, Junwani and in his audit report he noticed that the sale proceed of different food grains have not been entered in the sock register. In addition to that on different dates the amounts so received after sale of food grains have also not been deposited in the bank. It is stated that the applicant along with other co-accused have committed embezzlement of Rs. 1,70,148.55. After completion of investigation *Challan* was filed and the charge came to be framed against him under Section 420,408, and 467 IPC.

**3.** Learned Magistrate having perused the material before it convicted the accused/applicant under Sections 408 and 467 IPC and sentenced him as above, which on appeal has been affirmed by the judgment impugned. Hence, this revision.

**4.** Conviction is not being pressed on merit and the sole prayer made by the counsel for the applicant is confined to reduction of sentence imposed on the accused/applicant to the period already undergone on account of the fact that the case is quite old and the accused/applicant has already remained in jail for a period about 1 year and 2 months.

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

**6.** From the evidence of witnesses (PW-1), (PW-2), (PW-3), (PW-4) (PW-8), (PW-9), (PW-12), it is clear that that the applicant was engaged in the job of sales man in the fair price shop. From the

audit report Ex.P- 13 and Ex.P- 14, it is revealed that the sale proceed of food grains have not been entered in the sock register and the applicant was benefited by such irregular act. The applicant along with other co-accused have committed embezzlement of Rs. 1,70,148.55 by not entering in the sale proceed in the record supposed to be maintained by him. In view of the over all facts and circumstances of the case, this Court is of the view that the courts below have appreciated the evidence which came before them in proper and proper perspective and there is no reason to interfere with the said findings of Courts below, therefore, the conviction of the accused/applicant is hereby confirmed.

**7.** As regards sentence, keeping in view the fact that the incident had taken place in the year 1998, that the accused/applicant has already remained in jail for a period about 1 year and 2 months, this Court thinks it proper to reduce the sentence imposed on him to the period already undergone.

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

Sd/-  
**(Vimla Singh Kapoor)**  
JUDGE