

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 555 of 2010**

- Indrapal, S/o Arjun Singh, aged about 50 years, Caste Gond, R/o Village Pandri, P.S. Marvahi, Bilaspur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh, Through P.S. Marvahi, Distt. Bilaspur (C.G.).

---- Respondent

For Applicant	:	Shri Dhirendra Mishra, Advocate
For Respondent/State	:	Shri Akhtar Hussain, P.L.

Hon'ble Smt. Justice Rajani DubeyOrder On Board**11.09.2019**

1. The present revision arises out of the impugned judgment of conviction and order of sentence dated 14/10/2010 passed by the Additional Sessions Judge, (FTC) Pendra Road, Distt. Bilaspur, in Cr. Appeal No. 32/2010 whereby, the learned appellate Court below has affirmed the conviction and sentence of the accused/applicant as awarded by the learned Judicial Magistrate First Class, Marvahi, Distt. Bilaspur vide its judgment dated 13/04/2010 in Criminal Case No. 69/2009 for the offence under Sections 294, 325, 452 and 506-B of IPC and sentenced him with fine of Rs. 200/-, to undergo R.I. for one year with fine of Rs. 200/-, R.I. for one year with fine of Rs. 200/- and R.I. for one year with fine of Rs. 200/- respectively, with default stipulation.

2. Brief facts of the case are that the complainant Dival Singh Gond lodged a report alleging that on 16.08.2008, at about 3.00 PM when he was sleeping in his house, the applicant entered in his house and abused him and also threatened and assaulted by club. On this report, offence has been registered against the applicant after completion of investigation, charge-sheet was filed and charges were framed against the applicant under Sections 294, 325, 452 and 506-B of IPC by the

trial Court.

3. So as to hold the accused/applicant guilty, the prosecution has examined as many as 09 witnesses. Statement of the accused/applicant was also recorded under Section 313 of the Cr.P.C. in which he denied the charge leveled against him and pleaded innocence and false implication in the case.

4. After hearing the parties, vide impugned judgment of conviction and order of sentence dated 13.04.2010, learned Judicial Magistrate has convicted and sentenced the applicant for the offence under Sections 294, 325, 452 and 506-B of IPC and sentenced him with fine of Rs. 200/-, to undergo R.I. for one year with fine of Rs. 200/-, R.I. for one year with fine of Rs. 200/- and R.I. for one year with fine of Rs. 200/- respectively, with default stipulation. This order was appealed by the applicant and in the appeal, learned Appellate Court acquitted him for the offence under Sections 452 and 294 and affirmed the conviction and sentence of the applicant under Sections 325 and 506-B of IPC. Hence, the present revision.

5. Heard learned counsel for the parties and perused the material on record including the impugned judgment.

6. Counsel for the applicant submits that he is not pressing the revision so far as it relates to the conviction part of the judgment and would confine his argument to the sentence part thereof only. According to him, the incident is said to have taken place in the year 2008, and thereby more than 11 years have rolled by since then. He is aged about 50 years. The applicant has already remained in jail for more than 14 days, and no useful purpose would be served in again sending him to jail, therefore, in the interest of justice, it would be appropriate if the sentence imposed upon him may be reduced to the period already undergone by him.

7. Learned counsel for the State has no objection to this preposition.

8. Having gone through the material on record and the evidence of

the witnesses Diwal Singh (PW-1), Rai Singh (PW-2), Pappu @ Keval Singh (PW-3), Shivprasad Tiwari (PW-4), Arjun Singh (PW-5), Gendlal (PW-6), Dr. Mahesh Singh (PW-7), R. S. Pandey (PW-8) and Dr. Anil Singh (PW-9), established the involvement of the accused/applicant in the crime in question stands proved beyond reasonable doubt. This Court does not see any illegality in the findings recorded by appellate Court below as regards conviction of the applicant under Sections 325 and 506-B of IPC.

9. As regards sentence, keeping in view the facts that incident had taken place in the year 2008, and further that the applicant had already remained in jail for more than 14 days, therefore, his sentence is liable to be reduced to the period already undergone by him.

10. In view of the above consideration, the revision is partly allowed. While maintaining the conviction of the applicant, he is sentenced to the period already undergone by him.

Sd/-
(Rajani Dubey)
JUDGE