

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 324 of 2007

Paras Nath Gupta, Aged about 39 years, S/o. Jai Govind Gupta,
Occupation Service (Teacher), R/o. Village Bardar, P.S. Balrampur,
District Surguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Balrampur, District
Surguja (C.G.)

---- Respondent

For the Applicant : Ms. Neha Verma, Advocate
For the Respondent : Mr. A.N. Bhakta, Govt. Advocate

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

11.02.2019

1. The judgment under challenge in this revision petition is dated 06.07.2007 passed by Sessions Judge (FTC) Ramanujganj, in Criminal Appeal No. 196/2006, affirming the judgment dated 14.09.2006 passed by JMFC, Ramanujganj in Criminal Case No. 161/2003 convicting the accused/applicant under Sections 506(A)/34 and 120 IPC and sentencing him to undergo RI for 3 months with fine of Rs. 250/- plus default stipulation.

2. The facts of the case, in brief, is that a written complaint (Ex.P-1) made by complainant Prabhavati Devi (PW-1) before Superintendent of Police, Balrampur, against the applicant on the basis of which FIR (Ex.P-2) was registered in Police Station

Balrampur alleging in it that on 15.02.2003 the applicant along with other co-accused came to her house and criminal intimidated her not to give statement against him for the case earlier committed by him and if it was done, he would eliminate her. After completion of investigation, challan was filed against the applicant under the said section which culminated in framing of charge and slapping of conviction as described above.

3. Learned trial Court after taking into consideration the material on record, convicted and sentenced the accused/applicant as directed above which on appeal, has also been affirmed vide judgment impugned which is the subject matter of this revision.

4. Counsel for the applicant, at the very outset, submits that she would not lay much emphasis on the conviction of the applicant and would confine herself with the sentence part of the judgment impugned only. She submits that as the applicant has already been set free after completing the jail sentence imposed on him, nothing substantial remains to be decided in this revision.

5. State counsel however, supports the findings recorded by both the Courts below. He however, admits that the accused/applicant has completed the sentence and has been released from jail as is evident from the report of Jail Superintendent, Cental Jail Ambikapur Surguja dated 08.12.2018.

6. From the evidence of (PW-1) and (PW-2) it becomes apparent that after raping the daughter of PW-1 the

accused/applicant criminal intimidated them not to give statement against him for the case earlier committed by him and if it was done, he would eliminate them. Thus, these ingredients clearly speaks of his involvement in the case under Sections 506(A)/34 and 120 IPC and therefore, no infirmity or illegality is visible in the judgment under assail.

7. In aforesaid view of the mater, in particular keeping in mind the report of the Jail Superintendent, Central Jail, Ambikapur, Surguja dated 08.12.2018 to the effect that the accused/applicant after getting the benefit of remission has been released from jail on 06.07.2007, this Court does not wish to observe anything except recording dismissal of the revision petition. Other accordingly.

8. Revision thus dismissed.

Sd/-

(Vimla Singh Kapoor)
JUDGE

Santosh