

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 515 of 2006

Gauri Bai @ Jhunga W/o.-Santosh @ Ramkrishna, Aged about 35 years, R/o. Village Peepar Sakti (Akaltara) P.S. Akaltara, District Janjgir Champa (C.G.)
----- Applicant

Versus

State of Chhattisgarh, Through Police Station GRP, Bilaspur, District Bilaspur (C.G.)
----- Respondent

For Applicant : Mr. Aditya Khare, Advocate

For Respondent : Mr. I. Lakra, Dy. Govt. Advocate

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

28.01.2019

On 29.09.2005 FIR (Ex.P-1) was lodged in Police Station GRP, Bilaspur by complainant Heera Singh Markam (PW-1) alleging that the purse containing some jewelery and cash of Rs. 1,310, were taken away some unknown person. After completion of investigation, charge sheet was filed against the applicant under Section 379 IPC and charge sheet was framed accordingly.

2. By the judgment dated 24.07.2006 learned trial Court convicted the accused/applicant under Section 379 IPC and imposed the sentence of RI for six months with fine of Rs.300/- In appeal, the conviction recorded by the trial Court has been affirmed. 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 also considering the fact that he has remained under detention of 28 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. Having heard counsel for the parties and perused the material available on record including the evidence of PW-1 and PW-2 who proved the FIR (Ex.P-1) and that of PW-3, PW-4 and PW-5 who proved the seizure made under (Ex P-3), it gets crystallized that the accused/applicant was involved in the crime in question. The statement of all these witnesses are quite consistent and therefore there is no reason to disbelieve or discard the same. In this view of the matter, both the Courts below appear to have been fully justified in holding the accused/applicant guilty under Section 379 IPC and therefore, no infirmity or illegality is visible in the judgment under assail.

5. However, looking to the fact that the incident had taken place in the year 2001 and thereby more than 14 years have passed by, and further that the accused/applicant has already remained inside for more than 28 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