

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 474 of 2013**

Firatgir, aged about 41 years S/o Rikhi Giri, By Caste Goswami R/o Parsada Kala, Thana Baradwara, Distt. Janjgir-Champa (C.G.)

---- Applicant**Versus**

State of Chhattisgarh through Police Station Sakti, Distt. Janjgir-Champa (C.G.)

---- Respondent

For Applicant	:	Mr. Parag Kotecha, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**19/06/2019**

1. This revision has been preferred against judgment dated 22/07/2013 passed in Criminal Appeal No. 198/2011 by the Second Additional Sessions Judge, Sakti, District Janjgir-Champa (C.G.) arising out of judgment dated 22/11/2011 passed in Criminal Case No. 166/2002 by the Chief Judicial Magistrate, Sakti (C.G.), whereby the Applicant stands convicted under Sections 325 and 323 (twice) of the IPC and sentenced to undergo RI for 1 year with fine of Rs. 500/- and fine of Rs. 500/-500/-, respectively with default stipulations.
2. As per prosecution story, on 07/09/2002 at about 12:30 pm, Complainant Manigir (PW-2) was taking rest inside his house. His wife and daughter were doing some work in Veranda. It is alleged that the Applicant along with co-accused Trivikram, laced with Lathi and

Tabbal, forcibly entered into their house. They abused the complainant and assaulted him. When Santan Bai, wife of the Complainant and Harihar (Bhanja) tried to intervene, they also assaulted them. A report (Ex.P-1) was lodged by the Complainant. Injured Manigir, Santan Bai and Harihar were medically examined by Dr. J. Singh (PW7). It was opined by him that Manigir has sustained grievous injuries and Santanbai and Harihar sustained simple injuries. After investigation, a charge-sheet under Section 452, 506-B and 325 read with 34 of the IPC has been submitted. Charges under Sections 452, 506 (B), 325 and 324 (2) of the IPC were framed. After trial, the trial Court has acquitted the Applicant and co-accused from the charge framed under Sections 452 and 506-B of the IPC and convicted the Applicant as mentioned in paragraph one of this order. The trial Court also convicted co-accused Trivikram under Section 323 (twice) of the IPC only. In an appeal preferred by the Applicant, the Appellate Court affirmed the judgment passed by the trial Court. Hence, this revision.

3. Learned Counsel appearing for the Applicant submits that he does not want to press this revision on merits and confines his argument to the sentence part only. It is further submitted that out of total jail sentence of 1 year, the Applicant has undergone about 82 days, he is facing the */is* since 2002, there is no criminal antecedent against the Applicant, therefore, he prays that the jail sentence awarded to the Applicant may be reduced to the period already undergone by him.
4. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the

trial Court is just and proper and requires no interference.

5. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
6. Considering the above facts and circumstances of the case, particularly considering that out of total jail sentence of 1 year, the Applicant has undergone about 82 days and there is no criminal antecedent against him, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Applicant, the jail sentenced awarded to him is reduced to the period already undergone by him and the fine sentence imposed upon under Section 325 of the IPC is enhanced to Rs. 20,000/-. Ordered accordingly. The enhanced amount of fine shall be payable within 1 month from the date of receipt of a copy of this order. In default of payment, the Applicant shall be liable to undergo RI for 3 months. If any amount has already been deposited towards fine under Section 325 of the IPC, the same shall be adjusted in the amount of fine imposed/enhanced today. The fine sentence imposed upon him by the Trial Court under Section 323 (twice) of the IPC shall remain affirmed
7. Consequently, the revision is partly allowed to the extent indicated above.
8. It is reported that the Applicant/accused is on bail. His bail bond is not discharged at this stage and the same shall remain operative for a further period of 6 months in view of the provisions contained in Section 437-A of Cr.P.C.

9. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul