

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 678 of 2013**

- Sawant S/o Budhwa Satnami Aged About 50 Years R/o Village Plansari, Thana Pandatarai, Civil And Rev. Distt. Kabirdham, C.G.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Distt. Magistrate, Kabirdham, Distt. Kabirdham C.G.

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Advocate.
For Respondent/State	:	Ms. Akshara Amit, PL.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****23/09/2019**

1. The present revision arises out of the impugned judgment of conviction and order of sentence dated 26.09.2013 passed by the learned Sessions Judge, Kawardha, District-Kabirdham, in Cr. Appeal No. 42/2012 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, Pandariya District-Kabirdham, vide its judgment dated 08.05.2012 in Criminal Case No. 644/2010 for the offence punishable under Section 25 (1-B) of Arms Act and sentenced him to undergo R.I. for 1 year & fine of Rs. 500/-, plus default stipulation.

2. Brief facts of the case are that on 17.10.2010 complainant Shatrughan Chandravanshi has lodged a written complaint that on 17.10.2010 at about 4-5 pm., the villagers was celebrating the festival of Dashahra at Village Plansari, at that time the applicant came there, armed with sword and

started threatening to the public by shown the sword. Police personnel reached to the spot and seized the sword and arrested the applicant and registered the offence under Section 25 and 27 of the Arms Act. During investigation it is pointed out that Puranik has received injury in his hand so the police registered the offence under Section 324 of IPC and filed charge-sheet before the JMFC Pandariya against the present applicant.

3. So as to hold the accused/applicant guilty, the prosecution has examined as many as 5 witnesses. Statement of the accused/applicant was also recorded under Section 313 of the Cr.P.C. in which he denied the circumstances appearing 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 08.05.2012, learned Judicial Magistrate First Class has acquitted the applicant for the offence 324 of IPC and convicted the accused/applicant for the offence punishable under Section 25 (1-B) of Arms Act and sentenced him to undergo R.I. for 1 year & fine of Rs. 500/-, plus default stipulation. This order was appealed by the applicant and in the appeal, learned Appellate Court has affirmed the conviction and sentence of the applicant. Hence, the present revision.

5. Heard 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 this revision as 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 2010, and thereby more than 10 years have rolled by since then. The applicant is aged about 60 years and has already remained in jail for near about 2 months, 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 proposition.

8. Having gone through the material on record and the evidence of the witnesses Satrugan (PW-1), Tularam (PW-2), Rambharos (PW-3), Puranik (PW-4) and K. C. Gaen (PW-5), 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 both the Courts below as regards conviction it is hereby maintained.

9. As regards sentence, keeping in view the facts that incident had taken place in the year 2010, and further that the applicant had already remained in jail for near about 2 months, 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. The applicant is on bail. His bail bond will stand discharged.

Sd/-
(Rajani Dubey)
JUDGE