

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 391 of 2013**

Jitendra Singh @ Nanchoi, S/o Santu Singh, aged about 31 years R/o Torwa Patthartaal, Police Station Masturi, District Bilaspur, District and Revenue, District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhatisgarh, Through the Police Station Masturi, Bilaspur, District bilaspur, Civil and Revenue District Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Surya Kant Mishra, Advocate
For Respondent	:	Mr. Amit Singh, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

24/06/2019

1. This revision has been preferred against judgment dated 12/06/2013 passed in Criminal Appeal No. 119/2013 by the Fourth Additional Sessions Judge, Bilaspur (C.G.) arising out of judgment dated 21/11/2012 passed in Criminal Case No. 41/2012 by the Judicial Magistrate First Class (C.G.), whereby the Applicant stands convicted under Sections 323 and 325 (2 counts) of the IPC and sentenced to undergo RI for 3 months with fine of Rs. 100 and RI for 6-6 months with fine of Rs. 500-500, respectively with default stipulations.
2. As per prosecution story, on 03/02/2011, Complainant Bhushan Singh (PW1) made a report alleging therein that on 02/02/2011, the Applicant came to his house and talking about his son's behavior. Thereafter, on

03/02/2011 at about 8 am, he again came and threatened to withdraw the report made by the Complainant. When Complainant refused to do so, he abused him and also threatened him to kill. Thereafter, when the Complainant along with his wife Chitiya Bai (PW2) and son Sunil (PW3) was going towards police station for lodging the report, the Applicant assaulted them by club and caused injuries. On the basis of said report, offence has been registered. After investigation, a charge-sheet has been filed and, thereafter, charges were framed.

3. After trial, the learned trial Court has convicted and sentenced the Applicant as mentioned in paragraph one of this order, which was also affirmed by the Appellate Court. Hence, this revision.
4. Learned Counsel appearing for the Applicant submit 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 6 months, the Applicant has already undergone about 1 month, he is facing the *lis* since 2011, 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.
5. 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.
6. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
7. Considering the above facts and circumstances of the case, particularly considering that out of total jail sentence of 6 months, the

Applicant has undergone about 1 month, he is facing the /is since 2011 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 under Section 323 and 325 (two counts) of the IPC is enhanced to Rs. 10,000/- and Rs. 10,000 - 10,000 against the Applicant. 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 under Sections 323 and RI for 3-3 months under Section 325 (two counts) of the IPC. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.

8. Consequently, the revision is partly allowed to the extent indicated above.
9. 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.
10. 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