

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 93 of 2014**

Ramesh Kumar, aged about 29 years S/o Jankiprasad Chandra R/o Village Thathari, Police Station Baradwar, Tahsil Jaijaipur, Civil and Revenue District Janjgir-Champa (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Baradwar, District Janjgir-Champa (C.G.).

---- Respondent

For Applicant	:	Mr. Kamlesh Kumar Pandey, Advocate
For Respondent	:	Mr. Bhaskar Payashi, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

07/01/2019

1. This revision has been preferred against the judgment dated 03/02/2014 passed in Criminal Appeal No. 71/2013 by the First Additional Sessions Judge, Sakti, District Janjgir Champa, arising out of judgment dated 15/03/2013 passed in Criminal Case No. 962/2006 by the Judicial Magistrate First Class, Sakti, District Janjgir Champa convicting the accused/Applicant under Section 323 of the IPC and sentenced him to undergo RI for 6 months with fine of Rs. 1000/- with default stipulation.
2. As per prosecution story, it was alleged that on 24/01/20016 the Applicant along with 3 other co-accused persons namely Santosh, Rambharos and Govind assaulted Complainant Sandeep Singh

Bonafar who sustained injuries on his head. The matter was reported and the offence was registered. After investigation, a charge-sheet was filed before the Judicial Magistrate First Class.

3. After trial, the learned JMFC acquitted Santosh, Rambharos and Govind from the charges framed against them and convicted and sentenced the Applicant as mentioned in paragraph one of this order, which was also affirmed by the Appellate Court also. Hence, this revision.
4. 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 the matter is of the year 2006, the Applicant is facing the *lis* since 12 years, he has no known criminal antecedent and out of total jail sentence of 6 months, he has undergone about 8 days, 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, particularly considering that out of total jail sentence of 6 months, the Applicant has undergone about 8 days and he is facing *lis* since 12 years 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.

8. Consequently, the revision is partly allowed. The conviction of the Applicant under Section 323 IPC is upheld and he is sentenced to the period already undergone by him. The fine sentence is affirmed.
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