

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 119 of 2019**

Sukhe Ram Vishwakarma S/o Sittu Ram, Aged about 65 years R/o Village Bamba Bhandari Para, Thana Bagicha, Distt. Jashpur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Jashpur, Distt. Jashpur (C.G.).

---- Respondent

For Applicant	:	Mr. Deepak Jain, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**30/01/2019**

1. This revision has been preferred against judgment dated 30/11/2018 passed in Criminal Appeal No. 43/2018 by the Additional Sessions Judge, Jashpur, District Jashpur arising out of judgment dated 31/08/2018 passed in Criminal Case No. 405/2017 by the Judicial Magistrate First Class, Bagicha, District Jashpur (C.G.), the Applicant stands convicted under Section 324 of the IPC and sentenced to undergo RI for 3 months with fine of Rs. 2000/- with default stipulation.
2. As per prosecution story, on 24/10/2017 at about 10:00 a.m., Complainant Mudhan Bai (PW5) was working in her house. At that time, a quarrel took place between the Applicant and one Serveshwer in front of her house. She came out of his house and saw that the Applicant assaulted Serveshwer by knife, and thereafter fled away

from the spot. A report was made by the Complainant. On the basis of said report, offence has been registered. During course of investigation, one knife has been seized from the possession of the Applicant vide Ex.P-1. Statement of witnesses were recorded. A charge-sheet was submitted before the trial Court. To prove the guilt of the Applicant, as many as 7 prosecution witnesses were examined. No defence witness has been examined. Statement of the Applicant was recorded under Section 313 of the Cr.P.C, wherein he has pleaded his innocence and false implication in the present case.

3. After trial, the trial Court has convicted and sentence 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 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 3 months, the Applicant is in custody since 30/11/2018, he has no previous criminal antecedent, 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 3 months, the Applicant is in custody since 30/11/2018, 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 324 of the IPC is upheld and he is sentenced to the period already undergone by him. The fine sentence is affirmed.
9. It is directed that the Applicant shall be released forthwith, if not required in any other case.
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**