

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 174 of 2019**

Sikander Sidar S/o Jai Singh Sidar, aged about 32 years R/o Village Ginabahar,
Police Station Kunkuri, District Jashpur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh Through Police Station Kunkuri, District Jashpur (C.G.)

---- Respondent

For Applicant	:	Ms. Ranjana Jaiswal, Advocate
For Respondent	:	Mr. V.K. Agrawal, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**26/06/2019**

1. This revision has been preferred against judgment dated 26/10/2018 passed in Criminal Appeal No. 30/2013 by the Additional Sessions Judge, Kunkuri, District Jashpur (C.G.) arising out of judgment dated 07/06/2013 passed in Criminal Case No. 812/2012 by the Judicial Magistrate First Class, Kunkuri (C.G.), whereby the Applicant stands convicted under Sections 457 & 380 of the IPC and sentenced to undergo RI for two years with fine of Rs. 1000/- and RI for 1 year with fine of Rs. 500/-, respectively with default stipulations.
2. As per prosecution story, Complainant Suresh Parik (PW1) had lodged a report alleging therein that on the intervening night of 27-28/10/2012, some unknown persons have stolen cash of Rs. 1,45,000/- and 12 set of mobile from his shop. On the basis of said report, offence has been

registered. During course of investigation, on the basis of memorandum statement of the Applicant, some stolen phones and cash of Rs. 60,000/- has been seized from his possession. Some other articles were also seized from his possession which is alleged to be purchased by the stolen money. After investigation, a charge-sheet has been filed. Charges were framed. After trial, the 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.

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 2 years, the Applicant has undergone about 1 year and 4 months, he is facing the *lis* since 2012, 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 2 years, the Applicant has undergone about 1 year 4 months, he is facing the *lis*

since 2012 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.

7. Consequently, the revision is partly allowed. The conviction of the Applicant under the aforementioned sections is affirmed and he is sentenced to the period already undergone by him.
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