

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 744 of 2006

Krishna Kumar @ Ghondul S/o. Shri Shyam Kalyan, Aged about 23 years, resident of Sankra, Police Chowki Kumhari, Tahsil Dhamdha, District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Bhilai-3, Out post Kumhari, District Durg (C.G.)

---- Respondent

For Applicant : Mr. R.K. Pali, Advocate

For Respondent : Mr. R.K. Jaiswal, Dy. Govt. Advocate

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

14.01.2019

On 30.07.2001 FIR (Ex.P-1) was lodged by the teacher Murlidhar Diwan (PW-1) alleging that one chair, table cloth and one wall clock were stolen from the chamber/office of the Principal High School Sankra. The said stolen property was later on recovered from the memorandum of the accused/applicant. After completion of investigation, charge sheet was filed against him under Sections 457 and 380 IPC and charge sheet was framed accordingly.

2. By the judgment dated 11.07.2006 learned trial Court convicted the accused/applicant under Sections 457 and 380 IPC

and imposed the sentence of RI for six months with fine of Rs.500/- u/s 457 IPC and RI for six months with fine of Rs.500/- u/s 380 IPC. In appeal, the conviction recorded by the trial Court has been affirmed. Hence, this revision.

3. Counsel for the applicant/accused does not assail the conviction part of the judgment impugned and his only request is that looking to the incident being quite old and also considering the fact that he has remained under detention of 69 days, the jail sentence imposed on him may be reduced to the period already undergone and thereby protect his well settled family life from being up-rooted at this stage. State counsel, however, supports the judgment impugned.

4. Having heard counsel for the parties and perused the material available on record including the evidence of PW-1, PW-2 and PW-6, it gets crystallized that the property seized from the possession of the accused/applicant under Ex. P-5 was the Govt Property. The statement of all these witnesses are quite consistent and therefore there is no reason to disbelieve or discard the same. In this view of the matter, both the Courts below appear to have been fully justified in holding the accused/applicant guilty under Sections 457 and 380 IPC and therefore, no infirmity or illegality is visible in the judgment under assail.

5. However, looking to the fact that the incident had taken place in the year 2001 and thereby more than 18 years have passed by, and further that the accused/applicant has already

remained inside for more than 70 days, this Court thinks it proper to reduce the sentence imposed on him to the period already undergone, so that his already settled family life is not landed to crises. Order accordingly.

6. Revision allowed in part.

Sd/-

(Vimla Singh Kapoor)

JUDGE

Santosh