

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 591 of 2008

Omprakash Sahu, S/o Triloki Sahu, aged about 42 years, R/o Village Gangra, Police Station Arjuni, District Damtari, CG.

---- Applicant

Versus

- State of Chhattisgarh through Police Station Arjuni, District Dhamtari, CG.

---- Respondent

For Applicant : None

For State/Respondent : Shri D.P. Singh, Dy. GA

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

21/01/2019

The facts leading to the conviction of the accused/applicant by the Courts below under Section 420 IPC indicate that posing himself to be the contractor of electricity department, the applicant had grabbed Rs. 300 from thirty seven people each for providing single bulb electric connection. On the complaint of Assistant Engineer of Electricity Department, offence under Section 420 IPC was registered against the applicant and after completion of investigation *challan* was filed.

2. Learned trial Court found the accused/applicant guilty under Section 420 IPC and sentenced him to undergo RI for one year with fine of Rs. 500/-, plus default stipulation. In appeal, the conviction and sentence imposed by the trial Court have been maintained. Hence this revision.

3. A report dated 09.10.2015 has been received from CJM Dhamtari to the effect that accused/applicant in this case died on 07.11.2014 i.e. during the pendency of this revision. However, this Court has to decide the case on its own merits in view of the order passed by the Constitution Bench of Supreme Court in the matter of **Pranab Kumar Mitra Vs. State of WB** reported in **AIR 1959 SC 144**.

4. None appeared on behalf of the accused/applicant to put-forth his case. State counsel however supports the judgment impugned.

5. This Court went through the evidence of the witnesses in particular that of Ghansyam (PW-3), Rajuram (PW-4), Jethuram (PW-5), Anjor (PW6), Gitaram (PW-7) and Domar (PW-8). Though PW-3 to PW-5 have not supported the case of the prosecution yet the evidence of PW-6 to PW-8 makes it explicit that the accused/applicant branding himself to be the contractor of electricity department had provided single bulb electric connection to 37 people by taking Rs. 300/- from each of them. Variation with respect to the amount mentioned in the report and in the statements of PW-6 to PW-8 does not make any difference because the fact remains that the accused/applicant had played the role for which he was not legally entitled and thus committed the offence u/s 420 IPC. There is no illegality in the findings recorded by the both the Courts below as the entire material has been rightly adhered to while passing the judgment impugned.

6. In the result the revision has no force and it is hereby dismissed accordingly with affirmation of the judgment impugned.

Sd/-

(Vimla Singh Kapoor)

Judge