

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 118 of 2008**

1. Ramdhani Choudhari S/o Budhram, Age About 55 years, Occupation Teacher,
2. Ghanshyam S/o Ramdhani Choudhari, Age about 29 years,
3. Krishna Kumar S/o Ramdhani Choudhari, Age about 32 years.

Both Occupation – Agriculturist, all R/o Village - Sukhari, P.S. & Tahsil Ambikapur, District Surguja Chhattisgarh

---- Petitioners

Versus

- State of Chhattisgarh, Through:- P.S. Ambikapur, Distt. Surguja (C.G.)

---- Respondent

For Applicants : Shri Neeraj Mehta, Advocate.
For Respondent/State: Shri Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****08/11/2019**

1. This revision petition has been brought against the judgment dated 09-10-2007 passed in Criminal Appeal No.114/2007 by the Court of First Additional Sessions Judge Ambikapur, District Surguja by which applicants were convicted for offence under Section 342 and 323 of the IPC and without imposing any sentence they have been released on probation under the provisions of Section 4 of Probation of Offenders Act.
2. It is submitted by learned counsel for the applicants that he does not want to press the revision petition on behalf of applicants 1 and 2. However, applicant No.3 is a Government servant, therefore, the conviction that is pending against him may bring clout on his career,

therefore, his revision be allowed and conviction against him be set aside.

3. Learned counsel for the Stated/respondent opposes the petition and submits that conviction against applicant No.3 is based on cogent and reliable evidence of prosecution, therefore, there is no ground to set aside the conviction against applicant No.3.
4. Conviction against applicant No.3 is for offence of causing simple hurt and also making wrongful confinement of the victim. These offences cannot be classified as offences under moral turpitude. The dictionary meaning of moral turpitude is 'the morally culpable quality held to be present in some criminal offences as distinguished from others'. As the offences committed by the applicant No.3 and others against the victim cannot be regarded as morally culpable, therefore, I am of this opinion that conviction against the applicant No.3 for which he has not been sentenced and only released on probation, such conviction should not be regarded as a disqualification for any purposes of his career in Government service and other future prospects. With this observation, this revision petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge