

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 25of 2009

Ramesh Kumar Sahu, son of Shri Sambhu Prashad Sahu aged 28 years,
resident of Village Nandeli, Police Station Jaijaipur, District Janjgir-
champa (CG) ---Applicant

Versus

State of Chhattisgarh through the District Magistrate, Janjgir, District
Janjgir-champa. --- Respondent

For Applicant : Shri Vikas A. Shrivastava, Advocate

For State/Respondent : Smt. M. Asha, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

21/01/2019

Case of the prosecution in nutshell is that the accused/applicant herein impersonating himself to be one Raju Prashad Sahu had appeared in the D.Ed. Examination and as there were some discrepancies in the particulars of the examinee, the matter was examined and it was found that the applicant was not the genuine candidate. The matter was brought to the notice of concerned Centre in Charge by the invigilators on duty. Subsequently, the said Centre in Charge reported the matter to the concerned police station vide Ex. P-3 on the basis of which offence under Section 419 and 420 IPC and Section 4 of the Board of Secondary Education Act was registered against him. On completion of investigation *challan* was filed against the accused/applicant under Sections 419, 420, 120 B IPC and Section 4 of the Board of Secondary Education Act, followed by framing of charge accordingly.

2. By judgment dated 14.10.2008 learned trial Court convicted the accused/applicant u/s 419, 420, 120 B IPC and Section 4 of the Board of Secondary Education Act and imposed the sentence of RI for three years for each offence under the Indian Penal Code and RI for one year under the Board of Secondary Education Act with fine of Rs. 100/- on each

count, plus default stipulations. However, in appeal the accused/applicant has been acquitted of the charge under Sections 420 and 120B IPC but his conviction under Section 419 IPC and Section 4 of Board of Secondary Education Act has been maintained. Hence this revision.

3. Counsel for the accused/applicant 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 for about 05 months 15 days, the jail sentence imposed on him may be reduced to the period already undergone and thereby his well settled family life may be protected from being up-rooted at this stage. State counsel however, supports the judgment impugned.

4. Evidence of PW-1 namely Kamayni Kashyap who at the relevant time was the in-charge of concerned examination centre, goes to show that she was informed by one of the invigilators namely Gopesh Kumar Sahu PW-3 that the signature and photograph affixed in the attendance sheet did not correspond to the particulars of the person who was taking the examination by sitting in the examination hall. On inquiry being made it was revealed that the applicant was taking the D.Ed. Examination in place of one Raju Prashad Sahu. Evidence of PW-1 gets full corroboration from PW-2, PW-3, PW-4 and PW-5. The version of all these witnesses is quite consistent to the effect that the accused/applicant impersonated himself as Raju Sahu and was appearing in the examination for him. In this overall view of the matter, the conviction of the accused/applicant under Section 419 IPC and Section 4 of the Board of Secondary Education Act does not appear to suffer from any illegality or infirmity and it is based on the evidence collected by the prosecution. Therefore, it is maintained.

5. However, looking to the fact that incident had taken place in the year 2008 and thereby more than 10 years have passed-by, and further

that the accused/applicant has already remained inside for more than 05 months 15 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 in crises. Order accordingly.

6. Revision allowed in part.

Sd/-

(Vimla Singh Kapoor)

Judge

Jyotishi/Pawan