

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 548 of 2008

Rajesh Chandrakar S/o. Shri Shiv Kumar, Aged about 27 years,
R/o. Village Tendulotha, Police Station Baghbahara, District
Mahasamund (C.G.)

---- **Applicant**

Versus

State of Chhattisgarh, Through District Magistrate Mahasamund
District Mahasamund (C.G.)

---- **Respondent**

For Applicant : Mrs. Indira Tripathi, Advocate
For Respondent : Mr. Aman Kesharwani, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

29.04.2019

On 11.06.2006 at about 2.15 PM, head constable Vinod Sharma and Faruque Khan were on patrolling duty at Baghbahara, they received secret information from the informant, that the applicant who was the proprietor of Priya agency involved in selling of obscene CDs. They nabbed the applicant and from the possession of the applicant they seized seven CD cassettes, one TV and one VCR from his shop. After effecting seizure and making arrest of the applicant and thus on completion of investigation charge sheet was laid under Section 292 IPC against the applicant.

2. By the judgment dated 30.10.2007 learned trial Court convicted the accused/applicant under Section 292 IPC and sentenced him to undergo RI for six months and to pay fine of Rs. 200/- with default stipulation, which on appeal has been affirmed by the judgment impugned. 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 07 days, the jail sentence imposed on him may be reduced to the period already undergone and thereby protect their well settled family life from being up-rooted at this stage.

4. State counsel however, supports the findings recorded by the both the Courts below.

5. Heard the State counsel and perused the evidence on record.

6. From the material available on record, it is apparent that the accused/applicant was caught red-handed while engaged in selling of obscene CD from his possession, one TV and VCR were also seized under Ex.P-2 in presence of the witnesses. Thus, the finding of conviction recorded by both the Courts below appear to be fully justified. It is hereby maintained.

7. As far as the sentence part of the judgment impugned is concerned, looking to the fact that the incident had taken place 13 years ago and the applicant has already remained in jail for a period of 07 days and deposited fine amount imposed on him, in

my opinion, no useful purpose is going to be served in again sending him to jail. Accordingly, his sentence is reduced to the period already undergone by him.

8. With the above, the revision stands allowed in part.

Sd/-

(Vimla Singh Kapoor)

JUDGE

Santosh