

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 662 of 2008**

- Bhikham Banjare S/o Rameshar, Aged about 30 years, By caste Satnami, R/o Village Dumarha, Police Station- Lormi, Out Post Chilpi, District- Bilaspur, C.G.

---- Applicant**Versus**

- State Of Chhattisgarh, Through: Station House Officer Police Station : Mahila Thana, Bilaspur, C.G.

---- Respondent

For Applicant	:	In Person.
For Respondent/State	:	Mr. Anil Tripathi, PL.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****30.09.2019**

1. The present revision arises out of the impugned judgment of conviction and order of sentence dated 26.09.2008 passed by the learned Sessions Judge, Bilaspur, in Cr. Appeal No. 86/2008 whereby, the learned appellate Court below has affirmed the conviction and sentence of the accused/applicant as awarded by the learned Judicial Magistrate First Class, Bilaspur, vide its judgment dated 09.09.2008 in Criminal Case No. 03/2006 for the offence punishable under Section 498A of IPC and sentenced him to undergo R.I. for six months with fine of Rs. 500/-, plus default stipulation.

2. Brief facts of the case are that applicant and complainant Resham Bai were performed marriage according to Hindu customs and rituals. After some time of marriage applicant and his family members were demanded dowry like, motorcycle and Rs. 10,000/- cash, when complainant did not fulfill their wishes they tortured her physically and mentally. Thereafter, complainant lodged F.I.R. against applicant. After completion of investigation, charge sheet was filed and charges were framed against accused/applicant under Sections 498A of IPC.

3. So as to hold the accused/applicant guilty, the prosecution has examined as many as 9 witnesses. Statement of the accused/applicant was

also recorded under Section 313 of the Cr.P.C. in which he denied the circumstances appearing against him and pleaded innocence and false implication in the case.

4. After hearing the parties, vide impugned judgment of conviction and order of sentence dated 09.09.2008, learned Judicial Magistrate has acquitted the other co-accused from charges under Section 498A/34 and 506B and acquitted the accused/applicant from charge under Section 506B and convicted and sentenced the accused/applicant for the offence punishable under Section 498A of IPC and sentenced him to undergo R.I. for six months and to pay fine of Rs. 500/-, with default stipulation. This order was appealed by the applicant and in the appeal, learned Appellate Court has affirmed the conviction and sentence of the appellant. Hence, the present revision.

5. The applicant appearing in person prays that the jail sentence served by him may be undergone. According to him, the incident is said to have taken place in the year 2004, and thereby more than one 15 years have rolled by since then. The applicant is aged about more than 40 years and he has already remained in jail for about 10 days, and no useful purpose would be served in again sending him to jail, therefore, in the interest of justice, it would be appropriate if the sentence imposed upon him may be reduced to the period already undergone by him.

6. Learned counsel for the State has no objection to this proposition.

7. Heard learned counsel for the State and perused the material on record including the impugned judgment.

8. Having gone through the material on record and the evidence of the Resham Bai (PW-1), Kumar (PW-2), Amipal (PW-3), Chitrarekha (PW-4), Rajkumari (PW-5), Rohit Kumar (PW-6), Mutukbai (PW-7), Santram (PW-8) and Smt. Meena Thakur (PW-9), involvement of the accused/applicant in the crime in question stands proved beyond reasonable doubt. This Court does not see any illegality in the findings recorded by both the Courts below.

9. As regards sentence, keeping in view the facts that incident had taken place in the year 2004, and further that the applicant had already remained in jail for about 10 days, therefore, his sentence is liable to be reduced to the period already undergone by him.

10. In view of the above consideration, the revision is partly allowed. While

maintaining the conviction of the applicant, he is sentenced to the period already undergone by him. The applicant is on bail. His bail bond will stand discharged.

**Sd/-
(Rajani Dubey)
JUDGE**