

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 178 of 2005**

- Rameshwar Chouhan S/o Lallu Ram Chouhan Aged About 25 Years, R/o Soniyadeeh, P/s Bilaigarh Chowki Bhatgaon, District-Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : P.S. Sivrinarayan, District-Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Anil Tripathi, Advocate.
For Respondent/State	:	Mr. B. L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****26.08.2019**

1. The present revision arises out of the impugned judgment of conviction and order of sentence dated 21.03.2005 passed by the learned Additional Sessions Judge, Janjgir-Champa, in Cr. Appeal No. 19/2005 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, Janjgir-Champa, vide its judgment dated 15.02.2005 in Criminal Case No. 33/2004 for the offence punishable under Sections 420, 419, 467, 468 and 471 of IPC and sentenced him to undergo R.I. for 8 months & fine of Rs. 50/-, R.I. for 4 months, R.I. for 2 years & fine of Rs. 1000/-, R.I. for 1 year & fine of Rs. 500/- and R.I. for 2 years & fine of Rs. 1000/- respectively, plus default stipulation.

2. Brief facts of the case are that applicant/accused made a forged Bank draft of Rs. 20,000/- from the District Cooperative bank and on the basis of such bogus bank draft purchased ornaments and jewellerys from the complainant representing himself as Santosh Kumar. When the complainant submitted the said draft to the State Bank of India,

Shivrinarayan Branch for encashment, then the concerned branch of State Bank of India informed that the said draft is bogus. Matter was reported to the concerned police station by the complainant. After completion of investigation, charge sheet was filed and charges were framed against accused/applicant under Sections 420, 419, 467, 468 and 471 of IPC.

3. So as to hold the accused/applicant guilty, the prosecution has examined as many as 26 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 15.02.2005, learned Judicial Magistrate has convicted and sentenced the accused/applicant for the offence punishable under Sections 420, 419, 467, 468 and 471 of IPC and sentenced him to undergo R.I. for 8 months & fine of Rs. 50/-, R.I. for 4 months, R.I. for 2 years & fine of Rs. 1000/-, R.I. for 1 year & fine of Rs. 500/- and R.I. for 2 years & fine of Rs. 1000/- respectively, plus 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. Heard counsel for the parties and perused the material on record including the impugned judgment.

6. Counsel for the applicant submits that he is not pressing this revision as far as it relates to the conviction part of the judgment and would confine his argument to the sentence part thereof only. According to him, the incident is said to have taken place in the year 2003, and thereby more than 16 years have rolled by since then. The applicant has already remained in jail for more than 1 year, 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.

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

8. Having gone through the material on record and the evidence of the witnesses Khomilal (PW-1), Phagchand (PW-2), Lavkumar (PW-3), Murli Manohar (PW-4), Poshanlal Soni (PW-5), Babu Lal (PW-8), Sahdev (PW-9), Hari Prasad (PW-10), Dwarika Prasad (PW-14), Mahesh Kumar Soni (PW-15), Mayaram (PW-16), Jamuna Prasad (PW-17), Someshwar Singh (PW-18), Dr. P. Chandra (PW-19), N. K. Sikkewal (PW-20), Devnath Sharma (PW-21), G. R. Suryavanshi (PW-22), Ashwani Rathore (PW-23), K. S. Rathiya (PW-24), Kishor Kant Verma (PW-25) and Samaroo (PW-26), established the 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 as regards conviction it is hereby maintained.

9. As regards sentence, keeping in view the facts that incident had taken place in the year 2003, and further that the applicant had already remained in jail for more than 1 year, 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