

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 452 of 2005

Babulal S/o. Samaru Ram Bareth, Aged about 45 years, caste Dhobi, R/o. Old Badpara, Shahid Chowk, Raigarh at present residing at Panjari Plant, Raigarh Tahsil and District Raigarh (C.G.)

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Vikash Shrivastava, Advocate

For Respondent : Mrs. M. Asha, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

07.01.2019

On 25.03.2000 FIR (Ex.P-1) was lodged by the complainant (PW-1) alleging that the applicant along with other co-accused persons having been armed with sword, *lathi* and rod came to his house through roof and damaged the household articles of the complainant (PW-1). After completion of investigation, charge sheet was filed against him under Sections 457,427,294 and 506 (B) IPC and charge was framed accordingly.

2. By the judgment dated 22.09.2005 learned trial Court convicted the accused/applicant under Sections 457,427 and 506 (B) IPC and imposed the sentence of RI for two years with fine of Rs.500/- u/s 457 IPC, RI for one year u/s 427 IPC and RI for two years with fine of Rs. 500/- u/s 506 (B) IPC. However, the appellate Court has acquitted him under Section 427 IPC and

convicted him under sections 457 and 506(B) IPC and sentenced him to RI for 3 months u/s 457 and RI for 3 months u/s 506(B) IPC to that of RI for two years. 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 about 1 month, the jail sentence imposed on him may be reduced to the period already undergone and thereby protect his well settled family life from being up-rooted at this stage. State counsel, however, supports the judgment impugned.

4. Having heard counsel for the parties and perused the material available on record including evidence of the important witnesses which shows the involvement of the accused/applicant in the crime in question where he is alleged to have forced himself into the house of the complainant (PW-1) in the night hours and thereby has committed the offence under Sections 457 and 506 (B) IPC. Thus, conviction is justified and no interference is required therewith.

5. However, looking to the fact that the incident had taken place in the year 2000 and thereby more than 19 years have passed by, and further that the accused/applicant has already remained inside the jail about one month, 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 to crises. Order accordingly.

6. Revision allowed in part.

Sd/-
(Vimla Singh Kapoor)
JUDGE

Santosh