

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 639 of 2009

1. Shri Gopal S/o Bedram Suryavanshi, Aged about 33 years, R/o Village Sultan Nagar, P.S. and Tahsil-Baoda, District -Janjgir-Champa, C.G.
2. Gulab Devi W/o Shri Gopal Suryavanshi, Aged about 26 years, R/o Village Sultan Nagar, P.S. and Tahsil-Baoda, District -Janjgir-Champa, C.G.
3. Vishnu S/o Latel Ram Suryavanshi, Aged about 20 years, R/o Village Sultan Nagar, P.S. and Tahsil-Baoda, District -Janjgir-Champa, C.G.

---- Applicants

Versus

- State of Chhattisgarh Through – District Magistrate Janjgir-Champa (C.G.)

---- Non-applicant

For Applicants – None.

For State/Non-applicant – Shri Sudhir Sahu, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-12-2019

1. This revision petition has been brought being aggrieved by the judgment passed by the Second Additional Sessions Judge (FTC) Janjgir, Chhattisgarh, dated 24-09-2009 in Criminal Appeal No.37/2009.
2. The grounds raised in this revision petition are these that the prosecution has failed to prove its case beyond reasonable doubt, therefore, the applicants were entitled for acquittal. Hence, the judgment of conviction against them is erroneous, arbitrary and against the provisions of law. Therefore, prayer has been made for setting aside the impugned judgment of conviction and sentence.
3. Learned counsel for the State/Non-applicant opposes the petition submitting that the prosecution has proved its case beyond reasonable doubt and there is no scope for interference in the impugned judgment.
4. Heard learned counsel for the parties and perused the record.
5. The applicants were prosecuted by the trial Court for commission of

offences under Section 147, 148, 294, 506, 323 read with Section 149 of the IPC. The trial Court convicted the applicants under Section 147, 148, 294, 323/149 of the IPC and for offences committed against each victims sentenced them to undergo R.I. for 1 year, R.I. for 1 year and fine of Rs.100/- - Rs.100/-, R.I. for two months and fine of Rs.100/-, R.I. for 1 year and fine of Rs.100/- along with default stipulation. All the jail sentences were directed to be run concurrently.

6. This judgment was challenged in the appeal. The appellate Court has upheld the conviction against the applicants, however, sentence of imprisonment imposed upon the applicants have been set aside and the sentence of fine have been maintained as it is.

7. On perusal of the evidence present in the record of the trial Court and also after perusing the judgment of the appellate Court, I am of this view that no error has been committed by the appellate Court and there is no scope for interference. Accordingly, the revision petition is dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge