

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 246 of 2005

Order reserved on 11-12-2018

Order delivered on 14.01.2019

Lalji Chandravanshi S/o. Dhanuk Aged 33 years, resident of
Raitapara, P.S. Kunda, Tahsil Pandariya District Kabirdham (C.G.)

---- **Applicant**

Versus

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

---- **Respondent**

For Applicant : Ms. Indira Tripathi, Advocate.
For Respondent : Mr. Gary Mukhopadhyay, Govt. Advocate

Hon'ble Smt. Justice Vimla Singh Kapoor

CAV Order

By this revision petition the applicant has assailed the judgment dated 17.06.2005 passed by Sessions Judge Kabirdham in Criminal Appeal No. 4/2005 modifying the judgment dated 18.02.2005 passed by Judicial Magistrate First Class Kawardha in Criminal Case No. 529/2004 convicting the accused/applicant under Sections 341,332,294 and 427 IPC and sentencing him to undergo R.I. for 1 month under Section 341, R.I. for 6 months under Section 332, R.I. for 15 days under Section 294 and R.I. for 3 months under Section 427 with a direction to run all the sentences concurrently.

2. Facts of the case, in short, are that the complainant was posted as junior Engineer in the Electricity department at Pandariya. On 26.11.2002, the complainant was on his duty along with his helper at Mohangaon Market at that time the applicant stopped him and asked about his electricity line being discounted which led to some altercation where he committed marpit with hands and fists and damaged his vehicle. On report being lodged by the applicant, an offence under Sections 341,186,332,294 and 427 IPC was registered against him and after completion of investigation charge sheet was filed.

3. Learned Magistrate having perused the material before it convicted the accused/applicant under Sections 341,186, 332,294 and 427 IPC and sentenced him as above, which on appeal has been modified by the judgment impugned. Hence, this revision.

4. Conviction is not being pressed on merit and the sole prayer made by the counsel for the applicant is confined to reduction of sentence imposed on the accused/applicant to the period already undergone on account of the fact that the case is quite old and the accused/applicant has already remained in jail for some time.

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

6. Heard learned counsel for the parties and perused the judgment impugned and the evidence available on record carefully.

7. On perusal of the evidence of complainant (PW-5) which has been duly supported by PW-1, PW-3 and PW-8, it is clear that on the date of incident the accused/applicant used obscene words against the complainant (PW-5) and committed *marpit* with him and also damaged his vehicle. The Court below has been fully justified in passing the order impugned. Conviction of the accused/applicant is thus maintained.

8. As regards sentence, keeping in view the fact that the incident had taken place in the year 2002, that the accused/applicant has already remained in jail for a period of five days and further that by now he must be leading a well settled life saddled with innumerable responsibilities, this Court thinks it proper to reduce the sentence imposed on him to the period already undergone. Order accordingly.

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

Sd/-

(Vimla Singh Kapoor)

JUDGE

Santosh