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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 617 of 2018**

Smt. Gunwati Belchandan W/o Shri Anil Belchandan, aged about 46 years R/o MIG-1/934 Hudco Colony Bhilai P.S. Bhilai, Civil & Revenue Distt. Durg (C.G.)

---- Applicant**Versus**

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

---- Respondent**AND****Criminal Revision No. 644 of 2018**

Aditya Kumar S/o Jageshwar Markam, aged about 35 years R/o Village Deurgaon, Tahsil Saja, District Bemetara (C.G.)

---- Applicant**Versus**

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

---- Respondent**AND****Criminal Revision No. 696 of 2018**

Shrimati Dwijbai W/o Resham Gayakwad, aged about 25 years R/o Hasda No. 1 Post Magarlod, District Dhamtari (C.G.).

---- Applicant**Versus**

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

---- Respondent**AND****Criminal Revision No. 794 of 2018**

Ravindra Kuldeep S/o Nageshwar Kuldeep, aged about 25 years R/o Armurkasa, Police Station Dallirajhara, District Balod (C.G.)

---- Applicant**Versus**

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

---- Respondent

For Applicant in CRR No. 617/2018	:	Mr. Sunil Sahu, Advocate
For Applicant in CRR No. 644/2018	:	Mr. Rajat Agrawal, Advocate
For Applicant in CRR No. 696/2018	:	Mr. Mahendra Dubey, Advocate
For Applicant in CRR No. 794/2018	:	Mr. Anil Gulati, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

16/05/2019

1. Since all the revision arise out of judgment dated 07/06/2018 passed by Additional sessions Judge (FTC), Dhamtari, therefore, they are being disposed of by this common order.
2. These revisions have been preferred against judgment dated 07/06/2018 passed in Criminal Appeals Nos. 17/2018, 18/2018, 19/2018 & 20/2018 by the Additional Sessions Judge (FTC), Dhamtari arising out of judgment dated 02/05/2018 passed in Criminal Case No. 148/2013 by the Chief Judicial Magistrate, Dhamtari whereby the Applicants have been convicted under Sections 420, 467, 468 and 471 of the IPC and sentenced to undergo RI for 5 years with fine of Rs. 500, RI for 7 years with fine of Rs. 1000/-, RI for 5 years with fine of Rs. 500/- and RI for 1 year with fine of Rs. 200/-, respectively with default stipulations. Further Applicant- Aditya (in CRR No. 644/2018) and Applicant Shrimati Dwijbai (in CRR No. 696/2018) have been additional convicted under Section 201 of the IPC and sentenced to undergo RI for 1 year with fine of Rs. 200/- with default stipulation.
3. As per prosecution story, Complainant Krishna kumar (PW2) has lodged a report at City Kotwali alleging therein that for the appointment of Shiksha Karmi Grade-III at Janpad Panchayat Dhamtari in the year

2007, the Applicants/accused person had submitted forged Higher Secondary marksheet for appointment and obtained service in place of qualified persons. They debar the qualified persons and obtained payment for about 4 years. It was further alleged that there is difference in the marks and percentage of their original mark-sheet as well as mark-sheet submitted along with the application form. On the basis of said complaint, the police has registered the offence. During course of investigation, memorandum statement of the Applicants have been recorded and documents/mark-sheet were also seized from them. After completion of the investigation, a charge-sheet was filed before the Chief Judicial Magistrate. Charges were framed against the Applicants and one co-accused namely Thakur Singh Thakur.

4. To prove the guilt of the Applicants, as many as 18 prosecution witnesses have been examined. Statements of the Applicants under 313 of the Cr.P.C were also recorded, wherein they pleaded their innocence and false implication in the present case. No defence witness has been examined.
5. After trial, the Learned Chief Judicial Magistrate has convicted and sentenced the Applicants as mentioned in the first paragraph of this order, which was also affirmed by the Appellate Court. Hence, these revisions.
6. Learned Counsel appearing for the respective Applicants submit that they do not want to press these revisions on merits and confines their argument to the sentence part only. It is further submitted that the matter is of the year 2012, the Applicants are facing the *lis* since 7

years, Applicant Gunwati Belchandan (In CRR No. 617/2018) has undergone about 1 year 4 months, Applicant Ravindra Kuldeep (IN CRR. No. 794/2018) has undergone about 1 year 5 months, Applicant Aditya (In CRR No. 644/2018) has undergone about 1 year 5 months and Applicant Shrimati Dwijbai (in CRR No. 696/2018) has undergone about 1 year 2 months, therefore, they pray that the jail sentence awarded to the Applicants may be reduced to the period already undergone by them.

7. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.
8. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
9. Considering the above facts and circumstances, particularly considering that Applicant Gunwati Belchandan (In CRR No. 617/2018) has undergone about 1 year 4 months, Applicant Ravindra Kuldeep (IN CRR. No. 794/2018) has undergone about 1 year 5 months, Applicant Aditya (In CRR No. 644/2018) has undergone about 1 year 5 months and Applicant Shrimati Dwijbai (in CRR No. 696/2018) has undergone about 1 year 2 months and they are facing the *lis* since 7 years, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Applicants, the jail sentenced awarded to them is reduced to the period already undergone by them and the fine sentence imposed upon the respective Applicants under the respective Sections 420, 467, 468,

471 & 201 of IPC are enhanced to Rs. 25,000/- against each of the sections. Ordered accordingly. The enhanced amount of fine under the aforementioned Sections shall be payable within 1 month from the date of receipt of a copy of this order by the respective Applicants. In default of payment, the Applicants shall be liable to further undergo SI for 6 months under each sections. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.

10. Consequently, the revisions are partly allowed to the extent indicated above.
11. The Applicants be released forthwith, if not required in any other case.
12. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge