

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 252 of 2013**

Ritadevi @ Gudiya W/o Rajesh Ram, aged about 40 years R/o Village Gadatoli Jashpur, Thana and Distt. Jashpur (C.G.).

---- Applicant**Versus**

State of Chhattisgarh, Through Police Station Jashpur, Distt. Jashpur (C.G.).

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Advocate
For Respondent	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**21/01/2019**

1. This revision has been preferred against the judgment dated 21/02/2013 passed in Criminal Appeal No. 101/2012 by the Additional Sessions Judge, Jashpur, Distt. Jashpur, arising out of judgment dated 19/11/2012 passed in Criminal Case No. 201/2012 by the Chief Judicial Magistrate, Jashpur, convicting the accused/Applicant under Sections 454 & 380 of the IPC and sentenced him to undergo RI for 2 years with fine of Rs. 1000/-, and RI for 2 years with fine of Rs. 1000/-, respectively with default stipulations. The sentences were directed to run concurrently.
2. As per prosecution story, Complainant Sunil Kumar Sinha (PW1) lodged a report stating therein that on 03/05/2012 at about 12:30 pm, Rs. 30000/- cash and some gold articles, total worth Rs. 59059/- was

stolen from his house by some unknown persons. Offence was registered against unknown persons. During course of investigation, on the memorandum statement of the Applicant, stolen articles were seized from her possession. After investigation, a charge-sheet was filed. Charges were framed. To prove the guilt of the Applicant, as many as 12 witnesses were examined.

3. After trial, the learned Chief Judicial Magistrate convicted and sentenced the Applicant as mentioned in paragraph one of this order, which was also affirmed by the Appellate Court. Hence, this revision.
4. Learned Counsel appearing for the Applicant submits that he does not want to press this revision on merits and confines his argument to the sentence part only. It is further submitted that the Applicant is facing the *lis* since 6 years and out of total jail sentence of 2 years, the Applicant has undergone about 199 days during trial and 2 months during pendency of this revision. In total, she has undergone about 8 months 10 days. There is known criminal antecedent against the Applicant, therefore, he prays that the jail sentence awarded to the Applicant may be reduced to the period already undergone by her.
5. 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.
6. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
7. Considering the above facts and circumstances, particularly considering that out of total jail sentence of 2 years, the Applicant has

undergone about 8 months and 10 days and she is facing the *lis* since 6 years, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Applicant, the jail sentenced awarded to her is reduced to the period already undergone by her.

8. Consequently, the revision is partly allowed. The conviction of the Applicant under Sections 454 and 380 of the IPC is upheld and she is sentenced to the period already undergone by her. The fine sentence is affirmed.
9. It is reported that the Applicant/accused is on bail. Her bail bond is not discharged at this stage and the same shall remain operative for a further period of 6 months in view of the provisions contained in Section 437-A of Cr.P.C.
10. 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