

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 553 of 2013**

- Gulam Hasan S/o Jakir Hussain Aged About 27 Years, R/o Darri Basti, Present R/o Tahsilbhata, Katghora, Revenue And Civil District Korba, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : District Magistrate, Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sourabh Sharma, Advocate.
For Respondent/State	:	Mr. Anurag Verma, PL.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****27.08.2019**

1. The present revision arises out of the impugned judgment of conviction and order of sentence dated 21.08.2013 passed by the learned Additional Sessions Judge, Katghora, District-Korba, in Cr. Appeal No. 35/2013 whereby, the learned appellate Court below has affirmed the conviction and sentence of the accused/applicant as awarded by the learned Judicial Magistrate First Class, Katghora, vide its judgment dated 30.05.2013 in Criminal Case No. 327/2012 for the offence punishable under Sections 420 and 471 of IPC and sentenced him to undergo R.I. for 2 years & fine of Rs. 100/- and to undergo R.I. for 3 years & fine of Rs. 100/- respectively, plus default stipulation.

2. Brief facts of the case are that the applicant/accused produce a 'Rin Pustika' for furnishing surety against the bail of one Pawan in Criminal Case No. 317/2012. The learned Judicial Magistrate First Class ordered the Tahsildar to verify the 'Rin Pustika' had prima facie it seems to be forged and fabricated. A report has been submitted by the Tahsildar and acting upon the report of Tahsildar the learned Judicial Magistrate First Class on 04/07/2012 has issued memo to the Station

House Officer, Katghora to register an offence. After completion of investigation, charge sheet was filed and charges were framed against accused/applicant under Sections 420, 467, 468 and 471 of IPC.

3. So as to hold the accused/applicant guilty, the prosecution has examined as many as 7 witnesses. Statement of the accused/applicant was also recorded under Section 313 of the Cr.P.C. in which he denied the circumstances appearing against him and pleaded innocence and false implication in the case.

4. After hearing the parties, vide impugned judgment of conviction and order of sentence dated 30.05.2013, learned Judicial Magistrate has acquitted the applicant from the offence punishable under Sections 467 and 468 and convicted and sentenced the accused/applicant for the offence punishable under Sections 420 and 471 of IPC and sentenced him to undergo R.I. for 2 years & fine of Rs. 100/- and to undergo R.I. for 3 years & fine of Rs. 100/- respectively, plus default stipulation. This order was appealed by the applicant and in the appeal, learned Appellate Court has affirmed the conviction and sentence of the appellant. Hence, the present revision.

5. Heard counsel for the parties and perused the material on record including the impugned judgment.

6. Counsel for the applicant submits that he is not pressing this revision as far as it relates to the conviction part of the judgment and would confine his argument to the sentence part thereof only. According to him, the incident is said to have taken place in the year 2012, and thereby more than 7 years have rolled by since then. The applicant has already remained in jail for more than 1 year, and no useful purpose would be served in again sending him to jail, therefore, in the interest of justice, it would be appropriate if the sentence imposed upon him may be reduced to the period already undergone by him.

7. Learned counsel for the State has no objection to this proposition.

8. Having gone through the material on record and the evidence of the witnesses Arvind Mishra (PW-1), Ramlal (PW-2), Radhelal (PW-3), B. S. Rajpoot (PW-4), Javed Ali (PW-5), Smt. Veena Shukla (PW-6) and

R.K. Tamboli (PW-7), established the involvement of the accused/applicant in the crime in question stands proved beyond reasonable doubt. This Court does not see any illegality in the findings recorded by both the Courts below as regards conviction it is hereby maintained.

9. As regards sentence, keeping in view the facts that incident had taken place in the year 2012, and further that the applicant had already remained in jail for more than 1 year, therefore, his sentence is liable to be reduced to the period already undergone by him.

10. In view of the above consideration, the revision is partly allowed. While maintaining the conviction of the applicant, he is sentenced to the period already undergone by him. The applicant is on bail. His bail bond will stand discharged.

Sd/-
(Rajani Dubey)
JUDGE