

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 281 of 2013**

Suresh Sen S/o Ramesh Sen, aged about 32 years R/o Vill. Khadauda Jangle
P.S. Bodla, Distt. Kabirdham (Kawardha) Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through Distt. Magistrate, Distt. Kabirdham (Kawardha)
(C.G.).

---- Respondent

For Applicant	:	Mr. B.M. Rao, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**22/01/2019**

1. This revision has been preferred against the judgment dated 01/03/2013 passed in Criminal Appeal No. 12/2013 by the Additional Sessions Judge, Kawardha arising out of judgment dated 23/09/2011 passed in Criminal Case No. 721/2011 by the Chief Judicial Magistrate, Kawardha convicting the accused/Applicant under Sections 420/34 of the IPC and sentenced him to undergo RI for 4 years with fine of Rs. 4000/- with default stipulations.
2. As per prosecution story, the Applicant along with other co-accused persons namely Prakash and Ganesh went to the house of Jaleshwar and told him that a semi-Govt. Institution namely "Ashtabhuji Sanstha" had been started at Village Kui. They further told that if anybody becomes member of that "Sanstha" by paying Rs. 6000/-, he would be

appointed in service in Govt. Primary School. Complainant Jaleshwar paid Rs. 6000/- and a receipt was given to him for the same. It is alleged that the receipt was prepared by the Applicant. Thereafter, the Complainant and other persons who deposited money were not given any job. A report was made by Complainant Jaleshwar. On the basis of said report, offence has been registered. After completion of investigation, a charge-sheet was filed against the Applicant and other co-accused persons namely Jaijai Ram, Prakash, Tularam and Ganesh.

3. After trial, the learned trial Court has acquitted Prakash and Tularam from the offence punishable under Section 420/34 of the IPC and convicted the Applicant and other co-accused persons namely Jaijai Ram and Ganesh under Section 420/34 of the IPC and sentenced them as mentioned in paragraph one of this order. An appeal was preferred by the Applicant, which was also dismissed by the Appellate Court vide impugned order dated 01/03/2013. 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 9 years and out of total jail sentence of 4 years, the Applicant has undergone about 89 days during trial and after judgment of the Appellate Court has undergone from 23/09/2011 to 22/11/2013. In total, he has undergone about 2 years 5 months, therefore, he prays that the jail sentence awarded to the Applicant may be reduced to the period already undergone by him.
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 4 years, the Applicant has undergone about 2 years 5 months and he is facing the *lis* since 9 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 him is reduced to the period already undergone by him.
8. Consequently, the revision is partly allowed. The conviction of the Applicant under Sections 420/34 of the IPC is upheld and he is sentenced to the period already undergone by him. The fine sentence is affirmed.
9. It is reported that the Applicant/accused is on bail. His 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