

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 274 of 2013**

Mahesh Kumar Kureti S/o Satauram Kureti, aged about 31 years R/o Village Jangalpara Iradah, Police Station Kanker, Tahsil & District North Bastar Kanker (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through the Station House Officer Kanker, District North Bastar Kanker (C.G.).

---- Respondent

For Applicant	:	Mr. D.N. Prajapati, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

28/01/2019

1. This revision has been preferred against judgment dated 15/04/2013 passed in Criminal Appeal No. 24/2011 by the Additional Sessions Judge, North Bastar, Kanker arising out of judgment dated 30/03/2011 passed in Criminal Case No. 1388/2008 by the Chief Judicial Magistrate, North Bastar Kanker (C.G.) convicting the accused/Applicant under Sections 4 & 5 of the Chhattisgarh Tonhi Pratadna Nivaran Adhiniyam, 2005 and sentenced him to undergo RI for 6 months with fine of Rs. 100/- and RI for 1 year with fine of Rs. 100/-, respectively with default stipulations.
2. As per prosecution story, on 20/10/2008 Complainant Bhingorabai lodged a report at Police Station Kanker stating therein that on

19/10/2008 when she was going to her field, the Applicant stopped her and said her that she is a Tonhi and she had pong his mother and sister-in-law. Thereafter, the Applicant used to harass her in the name of Tonhi. On the basis of the said report, offence has been registered. After investigation, a charge-sheet has been filed before the trial Court.

3. After trial, the learned Chief Judicial Magistrate convicted and sentence the Applicant as mentioned in the first paragraph of this order, which was also affirmed by the Appellate Court. Thus, 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 10 years and out of total jail sentence of 1 year, he has undergone about 17 days after the judgment of the Appellate Court, 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 1 year, the Applicant has undergone about 17 days and he is facing the *lis* since 10 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 and the fine imposed upon under Sections 4 & 5 of Chhattisgarh Tonhi Pratadna Nivaran Adhiniyam, 2005 is enhanced to Rs. 3000/- and Rs. 3000/-, respectively. The enhanced amount of fine shall be payable within 1 month from the date of receipt of a copy of this order. In default of payment, the Applicant shall be liable to undergo SI for 1 month. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.

8. Consequently, the revision is partly allowed to the extent indicated above.
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