

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 751 of 2018**

1. Surendra Jatav S/o Harinarayan Jatav, aged about 32 years R/o Behind P.G. College Morena, Police Station Morena, District Morena (M.P.).
2. Arun Jatav S/o Sugreevlal Jatav, aged about 29 years R/o Village & Post Atar, Police Station Tendra, Present R/o Subhashnagar, Morena, Police Station Morena, District Morena (C.G.).

---- Applicants**Versus**

State of Chhattisgarh, Through Police Station City Kotwali, Bilaspur, District Bilaspur (C.G.)

---- Respondent

For Applicants	:	Mr. Vaibhav A. Goverdhan, Advocate
For Respondent	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**19/06/2019**

1. This revision has been preferred against judgment dated 03/07/2018 passed in Criminal Appeal No. 56/2016 by the Second Additional Sessions Judge, Bilaspur arising out of judgment dated 17/03/2016 passed in Criminal Case No. 8630/2014 by the Chief Judicial Magistrate, Bilaspur (C.G.), whereby the Applicants stand convicted under Sections 420, 467 & 468 of the IPC and Sections 66 and 74 of the Information and Technology Act, and sentenced to undergo RI for 5 years with fine of Rs. 5,000/-, RI for 6 years with fine of Rs. 5000/-, RI for 5 years with fine of Rs. 5000/-, RI for 3 years with fine of Rs. 5000/- and RI for 2 years with fine of Rs. 5000/-, respectively with default

stipulations.

2. As per prosecution story, one Satyendra Shah lodged a written report (Ex.P-10) alleging therein that some of his acquaintance had informed him that on the website of www.kishanvikashkalyan.com, the Kishan Vikash Sansthan had advertised for certain posts for recruitment, which is forged. On the basis of said report, the police has registered the crime. During course of investigation, the Applicants were taken into custody. It is alleged that they had developed the said forged website. A notice under Section 91 of the Cr.P.C was issued to them. Their statements were recorded. It was found that both the Applicants with the help of Kshitij Bhatnagar and Shishar Bhatnagar had prepared the said website and in the lieu of vacancies published, certain fees were deposited through net-banking by the candidates. During course of investigation, cheque books, Atm cards, Aadhar card and Mobile Sim were seized from the possession of the Applicants. It is further alleged the Applicants had obtained Rs. 7,00,000/- from the said fee which were deposited. Statements of witnesses under Section 161 of the Cr.P.C. were recorded. After investigation, a charge-sheet was filed. Charges under Sections 420, 467 & 468 of the IPC and Sections 66 and 74 of the Information and Technology Act were framed.
3. After trial, the learned trial Court has convicted and sentenced the Applicants as mentioned in paragraph one of this order, which was also affirmed by the Appellate Court. Thus, this revision.
4. Learned Counsel appearing for the Applicants 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 out of total jail sentence of 6 years, the Applicants have undergone about 1 year 8 months and 17 days during trial and since 03/07/2018 after passing of the Appellate Court judgment, they are in custody. In all, they have undergone about 2 years and 8 months, therefore, he prays that the jail sentence awarded to the Applicants may be reduced to the period already undergone by them.

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 6 years, the Applicants have undergone about 2 years and 8 months, 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 imposed upon under Sections 420, 467 & 468 of IPC is enhanced to Rs. 10,000/-, Rs. 50,000/- and Rs. 50,000/-, respectively. The fine sentence imposed upon them under Section 66 and 74 of the Information and Technology Act shall remain affirmed. Ordered accordingly. 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 under Sections 420, 467 & 468 of the IPC, the Applicant shall be liable to undergo RI for 6

months, RI for 6 months and RI for 6 months, respectively. 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. The Applicants be released immediately, if not required in any other case.
9. 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