

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 988 of 2012

1. Madan Chauhan S/o. Dasrathi Chauhan, Aged about 38 years, R/o. Palsabhadi, Post Office Palsabhadi, Police Station Saraipali, District Mahasamund (C.G.)
2. Pratap Singh S/o. Shiv Dayal Barik, aged about 28 years, R/o. Village Bamhani, Post Office Bamhani, Police Station Basna District Mahasamund (C.G.)

---- **Appellants**

Versus

State of Chhattisgarh, Through Police Station Bagbahra, District mahasamund (C.G.)

---- **Respondent**

For Appellants : Mr. Govind Dewangan, Advocate.
For Respondent : Mr. Raghvendra Verma, PL

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

05.04.2019

Challenge in this appeal is to the judgment of conviction and order of sentence dated 26.09.2012 passed by the Additional Sessions Judge, Mahasamund, District Mahasamund, in Sessions Trial No. 19/2012, whereby the learned Additional Sessions Judge, convicted the appellants for the offence punishable under Sections 328 and 392 read with section 34 IPC and sentenced them to undergo rigorous imprisonment for 5 years and to pay fine of Rs. 1000/- under Section 328,34 IPC and RI for 5 years and to pay fine of Rs. 1000/- under Section 392,34 IPC, with default stipulation.

2. Learned counsel for the appellants submits that as the appellants have served the entire sentence and also deposited the fine amount as directed and the appellant No. 1 had been released after serving the entire sentence on 12.02.2015 and the appellant No. 2 has also been released after serving the entire sentence on 27.03.2015 after availing the benefit of remission, as directed, They are not pressing the appeal on its merit.

3. Though, the appellants are not pressing the appeal on merits, this Court went through the evidence of the important witnesses which shows the involvement of the accused/appellants in the crime in question by committing the act of robbery and used intoxicating cold drinks to the victim and stolen the Indica Vista car, two mobile phones and driving licence of the victim thereby have committed the offence under Sections 328 and 392 read with section 34 IPC. Thus, conviction is justified and no interference is required therewith. Since, the applicants have already completed the sentence after getting benefit of remission etc, this point too does not require any further consideration.

4. In the result, the appeal is dismissed.

(Vimla Singh Kapoor)

JUDGE