

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 262 of 2013**

- Anil Kumar Chandnani S/o Mohan Chandnani Aged About 25 Years R/o Sindhi Camp , Tilada, Post Office & P.S. Nevra , District- Raipur, C.G.

---- Applicant**Versus**

- State Of Chhattisgarh Through - The District Magistrate Raipur, District- Raipur, C.G.

---- Respondent

For Applicant	:	Ajay Mishra, From legal Aid.
For Respondent/State	:	Mr. Wasim Miyan, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24.09.2019**

1. The present revision arises out of the impugned judgment of conviction and order of sentence dated 19.02.2013 passed by the learned 2nd Additional Sessions Judge, Raipur, District- Raipur, C.G. in Criminal Appeal No. 115/2012 whereby, the learned appellate Court below has confirmed the conviction and modified the sentence of the accused/applicant as awarded by the learned Special Railway Magistrate Raipur, vide its judgment dated 06.07.2012 in Criminal Case No. 1751/2007 for the offence under Sections 392 and 392 of IPC and sentenced him to pay fine of Rs. 4,000/-, plus default stipulation.
2. Brief facts of the case are that on 27.09.2006, complainant Rajesh Sonkar along with his wife were going to Allahabad from Bhilai for attending the marriage of his sister. Near Tilda Station, the accused/applicant threatened the complainant and looted five thousand cash and golden ornaments of his wife. The accused/applicant caught hold by the passengers and handed over to the GRP. Complainant lodged FIR against the applicant/accused person. After completion of investigation, charge sheet was filed and charges were framed by the trial Court against accused/applicant under Section 392 of IPC.
3. So as to hold the accused/applicant guilty, the prosecution examined as many as 8 witnesses. Statement of the accused/applicant was also recorded under

Section 313 of the Cr.P.C. in which he denied the charges leveled 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 06.07.2012, learned Railway Magistrate has convicted and sentenced the accused/applicant for the offence under Section 392 (twice) of IPC and sentenced him to undergo R.I. for 2-2 years and to pay fine of Rs. 2000/-, Rs. 2000/- respectively, with default stipulation. This order was appealed by the applicant and in the appeal, learned Appellate Court while confirming the conviction of the appellant set aside the jail sentence and imposed fine of Rs. 4,000/-, with default stipulation. Hence, the present revision.
5. Learned counsel for the applicant submits that impugned judgment is bad, illegal perverse and contrary to law. He further submits that the applicant has been falsely implicated in the crime in question as his name does not find place in FIR and the complainant has not identified him. The learned Court below has not considered the proposition evidence in its true perspective. Therefore, the impugned order is liable to be set aside.
6. On the other hand, learned State counsel supported the impugned judgment.
7. Heard learned counsel for the parties and perused the material on record including the impugned judgment.
8. Having gone through the material on record and the evidence of the witnesses Rajesh Sonkar (PW-1), Vijay Laxmi (PW-2), Jitendra Kumar (PW-3), Nitesh Manvani (PW-4), L. S. Rajput (PW-6), A. K. Uekey (PW-7), and R.P. Chandel (PW-8), established the involvement of the accused/applicant in the crime in question beyond reasonable doubt. This Court does not see any illegality on perversity in the findings recorded by both the Courts below as regards conviction of the appellant under Section 392 of IPC.
9. As regards sentence, learned appellate Court set aside the jail sentence and only imposed fine of Rs. 4000/-, this sentence does not appear to be harsh. Hence, revision has no substance and the same is liable to be dismissed.
10. The revision is accordingly, dismissed.

**Sd/-
(Rajani Dubey)
JUDGE**