

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 453 of 2013**

Umesh Yadav @ Bade, S/o Sevaram Yadav, Aged About 34 Years, R/o Behind Govt. Ayurvedik Hospital, Sarkanda, P.S. Sarkanda, Tah. Bilaspur, Civil And Revenue, Distt. Bilaspur C.G.

---- Applicant**Versus**

State Of Chhattisgarh through Distt. Magistrate, Bilaspur, Civil And Rev. Distt. Bilaspur C.G.

---- Respondent

For Applicant	:	Mr. Ram Kumar Tiwari, Advocate
For Respondent	:	Mr. Amit Singh, PL

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****25/02/2019**

1. This revision has been filed against the judgment dated 17/07/2013 passed by the Second Additional Sessions Judge to the Court of First Additional Sessions Judge, Bilaspur in Criminal Appeal No. 128/2013 arising out of order dated 02/04/2013 passed by the Chief Judicial Magistrate, Bilaspur passed in Criminal Case No.2121/2011 whereby, the Applicant has been convicted under Section 325 of the Indian Penal Code and sentenced to undergo SI for three months and to pay fine of Rs.500 with default stipulation.
2. As per prosecution story, Complainant Arun Kumar Pathak lodged a report in Police Station alleging therein that on 17/07/2011 at about

11:30 a.m., while he was walking in the office of Public Relation Department of composite building dashed with the Applicant, on which the Applicant committed *Maar-peet* with him and twisted finger of his left-hand. On the basis of the said report, offence has been registered. Complainant was medically examined. After investigation, a charge sheet was filed.

3. Statements of Applicant u/s 313 of the Criminal Procedure Code, was recorded in which he denied all the allegations made against him and pleaded his innocence and false implications in the matter.
4. After trial, the Trial Court has convicted and sentenced the Applicant as mentioned in Paragraph 1 of this order which was also affirmed by the Appellate Court. Hence, this revision.
5. Learned counsel appearing for the Applicant submits that he doesn't want to press this revision on merits and confines his argument to the sentence part only. It is further submitted that the matter is of the year 2011, the applicant is facing the lis since eight years and the Applicant has undergone about eight days, out of total sentence of three months. Therefore, he prays that the Jail sentence awarded to the Applicant may be reduced to the period already undergone by him.
6. Per contra, learned counsel appearing for the state supported the impugned judgments and submits that the sentence awarded by the Trial Court is just and proper and requires no interference.
7. I have heard learned counsel appearing on behalf of the parties and perused the records minutely. Considering the above facts and circumstances of the case, particularly, considering that out of total jail

sentence of three months, the applicant has undergone about eight days and he is facing the lis since eight years, I am of the view that the ends of justice would be made if, while upholding the conviction imposed upon the Applicant, the jail sentence awarded to him is reduced to the period already undergone by him and the fine sentence imposed upon him under Section 325 of the Indian Penal Code, is enhanced to Rs.4000. Ordered accordingly. The enhanced amount of fine shall be payable within one month from the date of receipt of copy of this order. In default of payment, the applicant shall be liable to undergo SI for one month. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine enhanced/imposed today.

8. Consequently, the revision is partly allowed to the extent indicated above.
9. It is reported that the Applicant is on bail. His bail bond is not discharged at this stage and the same shall remain operative for a further period of six months in view of the provisions contained under Section 437 A of the 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