

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 384 of 2017**

1. Jagdish Vishvakarma S/o Darsh Ram Vishvakarma, Aged about 35 years,
2. Santosh Kumar Patel S/o Barram Patel, Aged about 32 years
3. Mohal Lal Vishvakarma S/o Alram Vishvakarma, Aged about 38 years,
4. Omprakash Teli, S/o Mahesh Teli, Aged about 23 years,
5. Kishan Kumar S/o Hariram Sahu, Aged about 33 years,

All were R/o Village Girwani, P.S. Bailaigarh, O.P. Bhatgaon, District Baloda-Bazar, Bhatapra (C.G.).

--- Applicants

Versus

State of Chhattisgarh, Through District Magistrate, Baloda-Bazar Bhatapara, District Baloda Bazar, Bhatapara (C.G.).

---- Respondent

For Applicant	:	Mr. Hemant Gupta, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

31/01/2019

1. This revision has been preferred under Section 397 read with Section 401 of the Code of Criminal Procedure against judgment dated 27/02/2017 passed by the Third Additional Sessions Judge, Raigarh (C.G.) in Criminal Appeal No. 111/2016, whereby the learned Appellate Court has modified the sentence awarded by the trial Court and sentenced the Applicants under Section 148 IPC with fine of Rs. 1000/-, under Section 323/149 with fine of Rs. 1000/- and under Section 452/149 with 5 days SI and fine of Rs. 5000, with default stipulations.

2. As per prosecution story, on 20/06/2013 at about 4:00 am an accident occurred at Salihaghat Bairaj Camp area by a Highwa bruck bearing registration No. CG13 L 3580 and two persons namely Sunil Kumar and Manoj Sahu were died. It is alleged that the Applicants and other persons entered into the house of Incharge of Bairaj Construction namely Sanjeev Reddy and committed Marpeet with him. They also assaulted Bartkumar and Driver of truck Upendra Yadav. Injured Sanjeev made a complaint before the police station. On the basis of that offence was registered. After investigation, a charge-sheet has been filed before the trial Court. Charges under Sections 294, 148, 452/149, 323/149 and 427/149 of the IPC were framed. To prove the guilt of the Applicants, as many as 13 prosecution witnesses were examined.
3. After trial, the trial Court has acquitted all the Applicants from the charges punishable under Sections 294 and 427/149 of the IPC and the Applicants were convicted under Sections 148, 452/149 and 323/149 of the IPC and sentenced to undergo SI for 6 months with fine Rs. 500/-, SI for 6 months with fine Rs. 500/- and SI for 6 months with fine of Rs. 500/-, respectively with default stipulations. In an appeal preferred by the Applicants, the Appellate Court also affirmed the judgment of conviction, however, the Appellate Court modified the sentence as mentioned in paragraph one of this order. Hence, this revision.
4. Learned counsel appearing on behalf of the Applicants submits that the Applicants are first offenders. There is no previous criminal antecedent registered against them. Entire fine amount has already

been deposited. They have already served entire jail sentence. He further submits that Applicant No. 4 was 23 years old at the time of incident, he is having bright future ahead of him, therefore, he prays that while affirming the conviction, it may be directed that the sentence imposed upon Applicant No.4 shall not affect his career in future.

5. Learned Counsel appearing for the State opposes the prayer for grant of bail and supported the impugned judgment.
6. I have heard Learned Counsel appearing for the parties and perused the record.
7. On minute examination, I do not find any reason to interfere with the order of conviction passed by the trial Court and affirmed by the Appellate Court.
8. From the evidence, it is clear that Applicant No. 4 was aged about 23 years at the time of incident and there is a bright future in front of him. Moreover, he has no known criminal antecedent and he is facing this */is* since last 5 years.
9. Considering all the aspects, the revision filed by the Applicants is dismissed.
10. So far as, Applicant No.4 is concerned, it is directed that the sentence awarded to him shall not affect his career in the future, if any, in any manner.

Sd/-
(Arvind Singh Chandel)
Judge