

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 828 of 2017**

Rajendra Kumar Lahare S/o Anandi Ram, aged about 35 years R/o Village Basi Baradwar, P.S. Baradwar, District Janjgir-Champa (C.G.).

---- Applicant**Versus**

State of Chhattisgarh, Through P.S. Baradwar, District Janjgir-Champa (C.G.)

---- Respondent

For Applicant	:	Mr. Rahil Kochar, Advocate
For Respondent	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**19/02/2019**

1. This revision has been preferred against judgment dated 05/08/2017 passed in Criminal Appeal No. 22/2017 by the First Additional Sessions Judge, Sakti, District Janjgir-Champa arising out of judgment dated 16/02/2017 passed in Criminal Case No. 203/2014 by the Judicial Magistrate First Class, Sakti (C.G.), the Applicant stands convicted under Sections 458 and 324 of the IPC and sentenced to undergo RI for 6 months with fine of Rs. 1000/- and RI for 3 months with fine of Rs. 1000/-, respectively, with default stipulations.
2. As per prosecution story, a report was made by Complainant Tularam alleging therein that on 26/03/2014 in the midnight at about 2:45, the Applicant entered in his house and assaulted him with knife, due to that he sustained injuries on his hand. When his wife intervene then

the Applicant fled away from the spot. On the basis of said report, offence has been registered. After investigation, a charge-sheet has been filed. Charges were framed under Sections 458, 324 & 506-B of the IPC. To prove the guilt of the Applicant, as many as 9 prosecution witnesses have been examined.

3. After trial, the trial Court acquitted the Applicant from the charge framed under Section 506-B of the IPC and convicted the Applicant under Sections 458 and 324 of the IPC and sentenced him to undergo RI for 1 year with fine of Rs. 500/- and RI for 6 months with fine of Rs. 500/-. In an appeal, the Appellate Court affirmed the judgment of conviction, however, the Appellate Court reduced the sentence as mentioned in paragraph one of this order. Thus, this revision.
4. Learned Counsel appearing for the Applicant 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 the matter is of the year 2014, the Applicant is facing the *lis* since 5 years and out of total jail sentence of 6 months, the Applicant was in jail 17 days during trial and after the judgment of First Appellate Court he has undergone about 25 days, and he is in custody since 07/01/2019, therefore, he prays that the jail sentence awarded to the Applicant may be reduced to the period already undergone by him.
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 months, the Applicant has undergone about 85 days and he is in jail since 07/01/2019 and he is facing the *lis* since 5 years, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Applicant, the jail sentenced awarded to him is reduced to the period already undergone by him.
8. Consequently, the revision is partly allowed. The conviction of the Applicant under Sections 458 & 324 of the IPC is upheld and he is sentenced to the period already undergone by him. The fine sentence is affirmed.
9. The Applicant be released forthwith, if not required in any other case.
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