

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 547 of 2011

- Jagrakhan S/o Shri Rajelal Marar, Aged about 32 years, R/o Village-Bandhatola, Police Station- Sahasapur Lohara, District- Kabirdham (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through – District Magistrate Kawardha, District- Kabirdham (Kawardha) (C.G.)

---- Respondent

For Applicant – Shri Palash Agrawal, Advocate on behalf of Shri R.S. Patel, Advocate.

For Respondent – Shri Shrikant Kaushik, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

28-02-2020

1. This criminal revision has been brought against the judgment dated 08-09-2011 passed by Sessions Judge, Kabirdham (Kawardha), Chhattisgarh in Criminal Appeal No.10/2011 by which conviction and sentence passed by the trial Court was upheld.
2. The applicant was prosecuted for commission of offence under Section 454 and 380 of the IPC before the trial Court in Criminal Case No.165/2009. On completion of the trial the applicant was held guilty and he was convicted under Section 454 and 380 of the IPC and sentenced with R.I. for 1 year and fine of Rs.500/- and R.I. for 1 year and fine of Rs.500/- respectively for the aforesaid offences. The appeal filed has been dismissed by the impugned judgment.
3. The ground raised in this revision is this, that conviction against the applicant is not based on any reliable evidence of prosecution beyond reasonable doubt. Therefore, the applicant was entitled for acquittal.
4. Learned counsel for the State/respondent opposes the submission and ground raised in the appeal.
5. On perusal of the deposition of the witnesses which are present in the record of the trial Court, I am of this view that proper reasoning has been

assigned by the trial Court in believing the evidence of prosecution and convicting the applicant for the offences for which he has been convicted and passing the order of conviction accordingly. Similarly, no error has been committed by the appellate Court as well. Therefore, for the sake of considering on the revision petition, this Court does not find any illegality, incorrectness and impropriety in the orders passed by the Courts below. However, the situation that has developed at this stage is this, that the applicant has now died. Therefore, remaining part of the sentence imposed now cannot be executed against him.

6. The revision petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge