

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 44 of 2014

Garju Ram S/o Sunder Ram, aged about 26 Years Occupation
Agriculture, R/o Hastinapur, P.S: Narayanpur, Tahsil, Civil And
Revenue District: Jashpur, Chhattisgarh

---- Appellant

Versus

State of Chhattisgarh Through Station House Officer, Police of Police
Station: Kansabel, District: Jashpur, Chhattisgarh

---- Respondent

For Appellant	:	Ms. C.K. Navrang, Advocate
For State/Respondent	:	Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

30.09.2020

1. The matter is heard through Video Conferencing.
2. This appeal has been preferred against the judgment dated 04.12.2013 passed in S.T. No. 46 of 2008 by the learned Additional Sessions Judge, Kunkuri, District: Jashpur (C.G.) wherein, the Appellant has been convicted under Section 395 of IPC, under Section 458 of IPC and sentenced to undergo RI for 10 years and to pay fine of Rs.1,000/-, sentenced to undergo RI for 10 years with a fine of Rs.1,000/- respectively with default stipulation.
3. According to the case of prosecution, on 08.08.2007 at around 08:30 P.M. with full preparation of committing dacoit, present Appellant and other co-accused person entered the house of complainant, they gave threat to kill all family members of the complainant, looted ornaments of Gold and Silver, Nokia Mobile and Cash of Rs.69,000/-. The matter was reported by the

complainant. After completion of investigation, initially, charge-sheet was filed against the co-accused persons Pradeep Lakda, Ajay Lakda & Dashrath @ Dibba. By declaring absconded to the present Appellant, aforesaid co-accused persons were convicted vide order dated 01.10.2010. Thereafter, the present Appellant was arrested. After completion of investigation, charge-sheet was filed by the police. To robe the Appellant in the crime-in-question prosecution examined as many as total 23 witnesses. In the statement of Appellant recorded under Section 313 of Cr.P.C, Appellant pleaded his innocence and false implication in the matter, however no defence witness was examined by the Appellant. After completion of trial, Trial Court convicted and sentenced the Appellant as mentioned in Para 01 of this judgment. Hence this appeal.

4. Learned counsel appearing for the Appellant submits that she does not want to press this appeal on merits and confines her argument to the sentence part only. She further submits that out of 10 years of jail sentence the Appellant has undergone about 09 years, he has no criminal antecedent and he is facing the *lis* since 2007. She lastly submits that the Appellant is in jail since 25.04.2011, therefore, the jail sentence awarded to the Appellant may be reduced to the period already undergone by him.
5. On the contrary, learned State Counsel opposed the appeal and supported the impugned judgment.
6. I have heard learned counsel appearing on behalf of the parties and perused the record minutely.

7. Considering the above facts and circumstances of the case, particularly considering that out of total jail sentence of 10 years of jail sentence the Appellant has undergone about 09 years, he is facing the *lis* since 2007 and there is no criminal antecedent against him, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Appellant, the jail sentence awarded to him is reduced to the period already undergone by him.
8. Consequently, the appeal is partly allowed. The conviction of the Appellant under the aforementioned section is affirmed and he is sentenced to the period already undergone by him. The fine sentence is affirmed.
9. 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