

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 528 of 2020**

1. Mohammad Masuk, S/o Aasif Mohammad, Aged About 40 Years, R/o Paliesh Road Koshtapara, Police Station- Raigarh, District- Raigarh Chhattisgarh.
2. Rajkumar Kesharwani, S/o Rameshwar Prasad Kesharwani, Aged About 48 Years R/o Pailesh Road Koshtapara, Police Station- Raigarh District- Raigarh Chhattisgarh.

---- Applicants**Versus**

1. State Of Chhattisgarh Through District Magistrate Raigarh, District- Raigarh (C.G.) (Prosecution).
2. Satish Saraf, S/o Late Baldeo Prasad Saraf, Aged About 54 Years, R/o Pailesh Road Koshtapara, Police Station- Raigarh, District- Raigarh (C.G.) (Complainant).

---- Respondents

For Applicants	: Ms. Varsha Sharma, Adv.
For Respondents/State	: Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.02.2020**

1. Heard on Admission.
2. This petition is filed under Section 482 of Cr.P.C. for recalling of order dated 05.09.2019.
3. Learned counsel for the applicants submits that vide order dated 05.09.2019 in CRR No. 1071/2015, this Court has allowed the revision petition of the applicants in part and sentenced them an imprisonment for 10 days which was

undergone by them and directed to pay compensation of Rs. 25,000/- 25,000/- each to the complainant within a period of six months. This Court is directed, "If the deposits are not made as directed by each of the applicants/ accused, sentence awarded to them by the learned appellate Court shall stand revived and they shall be taken into custody to serve remainder of the sentence."

4. Learned counsel for the applicants submit that applicants are very poor persons and are residing in the rented house and their earning capacity is only 8,000/- - 9,000/- per month, so they are unable to maintain their livelihood. This Court imposes heavy award in favour of complainant and they have no other source of income to comply the order of this Court. The incident took place in the year 2004 nearby 15 years have been rolled since then and applicants have remained in jail for 10 days so order dated 05.09.2019 should be recalled in the interest of justice.
5. Learned counsel for the State opposes the prayer.
6. Heard learned counsel for both the parties and perused the order dated 05.09.2019 of this Court in CRR No. 1071/2015. Learned trial Court awarded RI for one month with fine of Rs. 500/- - 500/- each and applicants have undergone only for 10 days for the offence punishable under Section 325 r/w Section 34 of IPC. Applicants have remained in jail for only

10 days so this Court's order of additional compensation of Rs. 25,000/- payable to the complainant within a period of six months.

7. Keeping in view the above facts and circumstances, this Court is satisfied by order dated 05.09.2019 in CRR No. 1071/2015. This order was passed after perusal of the material available on record. So, the grounds for recall of the order are devoid of any merit whatsoever.

8. Accordingly, this petition is dismissed at motion stage itself.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi