

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 337 of 2002**

1. Upendra Singh S/o Vijay Pal Singh, aged about 24 years R/o Shantinagar Ward Jagdalpur (C.G.).
2. Chhanu Ram S/o Dundi Ram Mandavi, aged about 32 years R/o Krishi Upaj Mandi Road, Jagdalpu (C.G.).
3. Satyendra Singh S/o Awadh Behari Singh, aged about 25 yers R/o Tongpal, P.S. Tongpal.
4. Sanjay Singh S/o Kallu Singh Bhadauria, aged about 24 years R/o Tongpal, P.S. Tongpal.

---- Appellants**Versus**

State of Chhattigarh Through, P.S. Tongpal, Distt. Dantewada (C.G.).

---- Respondent

For Appellants	:	Mr. Subhash Yadav, Advocate
For Respondent	:	Mr. Ajay Kumbrani, PL

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board****15/01/2020**

1. This appeal has been preferred against the judgment dated 13/03/2002 passed in Sessions Case No. 269/2000 by the Second Additional Session Judge, Jagdalpur, Distt. Bastar (C.G.), whereby the Appellants have been convicted under Sections 148, 452 and 324 read with 149 of the IPC and sentenced to undergo RI for 6 months with fine of Rs. 200/-, RI for 1 year with fine of Rs. 500/- and RI for 1 year with fine of Rs. 500/-, respectively, with default stipulations.
2. Facts of the case are that on 20/01/2000, Jagdeep S/o Complainant Dheeraj was coming from Jagdalpur. On the way, Appellant Upendra

and his friend attempted to restrain him near Darwaghati. Jagdeep lodged the report of the said incident. After returning home, he also told the incident to his father. Thereafter, at about 4 pm on the same day, when Dhiraj was sitting in his Veranda with his son, all the Appellants came there and entered into their house. They abused them and assaulted them by an axe, danda, rod and hockey sticks. The matter was reported by Complainant Dhiraj. On the basis of said, offence has been registered. After completion of investigation, a charge-sheet has been filed. Trial Court framed the charges against the Appellants. To prove the guilt of the Appellants, the Prosecution has examined as many as 10 witnesses. No defence witness has been examined. Statements of the Appellants under Section 313 of the Cr.P.C have been recorded, wherein they have pleaded their innocence and false implication in the matter.

3. After trial, the trial Court has convicted and sentenced the Appellants as mentioned in paragraph one of this judgment. Hence, this appeal.
4. Learned Counsel appearing for the Appellants submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. He further submits that Appellant Channu Ram has undergone about 12 days and remaining Appellants have undergone about 7 days, they have no criminal antecedent and they are facing the *lis* since 2013, therefore, he prays that the jail sentence awarded to the Appellants may be reduced to the period already undergone by them.
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 of the case, particularly considering that Appellant Channu Ram has undergone about 12 days and remaining Appellants have undergone about 7 days, they have no criminal antecedent and they are facing the *lis* since 2013, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Appellants, the jail sentenced awarded to them is reduced to the period already undergone by them and the fine sentence imposed under Sections 148, 452 and 324/ read with 149 of the IPC is enhanced to Rs. 5,000/-, 5000/- and Rs. 10,000/- respectively against each Appellants. Ordered accordingly. The enhanced amount of fine shall be payable within 1 month from the date of receipt of a copy of this order. In default of payment, the Appellants shall be liable to undergo SI for 3 months, 3 months and 6 months, respectively. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.
8. Consequently, the appeal is partly allowed to the extent indicated above.
9. It is reported that the Appellants/accused are on bail. Their bail bonds are not discharged at this stage and the same shall remain operative for a further period of 6 months in view of the provisions contained in

Section 437-A of Cr.P.C.

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

Rahul