

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 520 of 2009

Ramlal Minj S/o. Sonsai Minj, aged about 40 years, R/o. Hardi Sornd, Ghutripara, PS and Tahsil Sitapur District Surguja (CG)

---- **Applicant**

Versus

State of Chhattisgarh, Through PS Sitapur District Sarguja (C.G.)

---- **Respondent**

For Applicant : Mr. Ashutosh Shukla, Advocate
appointed through Legal Aid Committee.
For Respondent : Mr. Rakesh Sahu, Dy. GA

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board on 08.01.2021

Case of the prosecution in brief is that accused persons in collusion with each other cheated several persons by inducing them to provide job in SECL and took money from the complainant/victims. In this foul play the other accused persons namely Roopsingh was also remained instrumental in receiving the amount from the victim but did not provide them job in SECL nor the money was also returned to the complainants. During investigation set in motion in pursuance of the complaints made by the complainants for the offence under Section 420 IPC was registered against the accused applicant and after completion of investigation the Challan came to be placed and the charge framed.

2. By the judgment dated 30.04.2009 learned trial Court convicted the accused/applicant under Section 420 IPC and imposed the sentence of RI for 3 years and to pay fine of Rs. 500/- plus default stipulation. Learned lower appellate Court also confirmed the findings recorded by learned Magistrate in its entirety. Hence these revision petitions.

3. Counsel for the accused/applicant apart from vehemently arguing his case makes an alternative prayer that if his submissions do not yield any positive result on conviction part of the judgment impugned, keeping in mind the fact that the accused/applicant has already faced a lot for his misdeeds and remained inside for about one year and one month, the sentence imposed on him may be reduced to the period already undergone.

4. State counsel however supports the judgment impugned and submits that the concurrent findings of fact recorded by both the Courts below being well grounded and well founded do not call for any disturbance in these revisions.

5. Having heard counsel for the parties at greater length and perused the evidence of the witnesses, it is apparent that the accused/applicant Ramlal Minj induced number of unemployed youths to deliver substantial amount of money in order to provide them job in SECL and thus committed an offence under Section 420 IPC. From the record, it is clear the accused/applicant in connivance with the other co-accused

had taken different amount of Rs. 19,000/-, Rs.50,000/- and Rs. 20,000/- respectively for providing employment to PW-4, PW-7 and PW-5 in SECL and by keeping them in dark for providing them job for which he was not authorized or competent at all.

6. Both the Courts below have arrived at the conclusion of guilt of the accused/applicant after diving deep into the evidence collected by the prosecution and as such this Court does not find any room to interfere with the well weighed findings so recorded particularly as far as they relate to their guilt being proved. The conviction of the applicant is hereby maintained as such.

7. As regards sentence, considering the fact that the incident had occurred in the year 2008 and since then considerable period has passed by and further that the accused/applicant has remained in jail for about one year and one month, this Court thinks it proper to reduce the sentence imposed on him to the period already undergone. Order accordingly.

8. Revision is thus allowed in part.

Sd/-

(Vimla Singh Kapoor)
JUDGE