

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 283 of 2010

- Subhash Halba, S/o Dev Charan Kashyap, Caste Halba, aged about 36 years, R/o Village Farsian, PS Sihava, Tahsil Nagri, District Dhamtari (CG).
---- Applicant.

Versus

- State Of Chhattisgarh through District Magistrate, District Dhamatri.
---- Respondent.

with

CRR No. 289 of 2010

- Deendayal Sahu (D.D. Sahu), S/o Keematlal Sahu, aged about 50 years, R/o House No.48/257, Khamardih Shankar Nagar, Raipur (CG)
---- Applicant.

Versus

- State Of Chhattisgarh through District Magistrate, District Dhamtari.
---- Respondent.

with

CRR No. 306 of 2010

- Khinjan Lal Kashyap, S/o Mishri Lal Kashyap, Caste Halba, aged about 38 years, R/o Village Tengana, PS Sihava, Tahsil Nagri, District Dhamtari (CG)
---- Applicant.

Versus

- State Of Chhattisgarh through District Magistrate, District Dhamtari.
---- Respondent.

For Applicants	:	Mr. K.K. Dewangan, Mr. D.N. Prajapati, Advocates.
For State	:	Mr. H.S. Ahluwalia, Dy. AG.

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

15.01.2021

Since all the aforesaid three revision petitions arise out of the same judgment dated 22.06.2010 passed in Criminal Appeals No.15/2007, 17/2007 and 18/2007, they are being disposed of by this common order.

2. Avoiding the unnecessary repetition of the facts which already find place in detail in the judgments of the two Courts below, this

Court proceeds with all these three revisions by taking stock of the facts which appear to be essential to arrive at the just and proper conclusion.

3. In this case accused/applicant Deendayal Sahu (D.D. Sahu) is said to have dishonestly induced number of young persons desperately in search of employment and deceived them by asking to deliver a substantial amount on the promise to make them available job in Railways and the Forest Department. In this foul play the other two accused persons Subhash Halba and Khinjan Lal Kashyap also remained instrumental in execution of the design fabricated by accused Deendayal Sahu. During investigation set in motion in pursuance of the complaints made by the complainants in each case, offences under Sections 467, 468, 471 and 420/34 IPC were registered against each of the accused applicants and after completion of investigation the *Challan* came to be placed and the charge framed.

4. Learned Magistrate vide judgment impugned dated 27.08.2007 acquitted all the accused persons of the charges under Sections 467, 468 and 471 IPC but at the same time held each of them guilty under Section 420/34 IPC and imposed the sentence of RI for 2 years with fine of Rs.1000/-, plus default stipulations. Learned lower appellate Court also confirmed the findings recorded by learned Magistrate in its entirety. Hence these revision petitions.

5. Counsel for the accused/applicants 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/applicants have already faced a lot for their misdeeds and remained inside for about

one year, the sentence imposed on them may be reduced to the period already undergone.

6. 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.

7. Having heard counsel for the parties at greater length and perused the evidence of the witnesses, it is apparent that the accused/applicants Deendayal Sahu induced number of unemployed youths to deliver substantial amount of money in order to provide them job in Railways and the Forest Department and thus committed an offence under Section 420 IPC. The records manifest that the accused/applicants Deendayal Sahu in connivance with Subhas and Khinjan grabbed Rs.75,000/- from Balram (PW-1), Rs.1 Lac from Bhanendra (PW-3), Rs.75,000/- from Mithlesh (PW-23), Rs.60,000/- from Gajanand (PW-11), Rs.22,000/- from Sarju (PW-7), Rs.40,000/- from Yogesh (PW-2), Rs.50,000/- from Ashok (PW-4), Rs.60,000/- from Shiv Dhurv (PW-22), Rs.1 Lac from Parasram (PW-17) and Rs.15,000/- from Madan Lal Pandavi (PW-5) by keeping them in dark for providing them job for which they had no authority at all. Not only this, forged appointment letters were also seized under Ex.P-3, Ex.P-4, Ex.P-5, Ex.P-8, Ex.P-10 and Ex.P-11 and the seizure witnesses also stand by the case of the prosecution in categorical terms. The minor contradictions in the evidence of the Investigating Officer have no significance particularly when the aggrieved people from whom the accused/applicants had taken money have already made unequivocal statements against them.

8. Both the Courts below have arrived at the conclusion of guilt of the accused/applicants 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 three is hereby maintained as such.

9. As regards sentence, considering the fact that the incident had occurred in the year 2005 and since then considerable period has passed by and further that the accused/applicants have remained in jail for about one year, this Court thinks it proper to reduce the sentence imposed on them to the period already undergone. Order accordingly.

10. Revisions are thus allowed in part.

**Sd/-
(Vimla Singh Kapoor)**

Judge