

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRR No. 187 of 2010**

1. Anand Tirky, Son of Tiwartius Tirky, aged about 30 years, R/o. Village Khajuri, Police Station Balrampur, District Balrampur, CG.
2. Dinesh Ram Korva, son of Ramkiran, aged about 22 years, R/o. Village Panchawal, District Balrampur, CG..

**---- Applicants.**

**Versus**

State of Chhattisgarh through P.S. Dharamjaygarh, District Raigarh, CG.

**---- Respondent**

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For Applicant : Shri Ravindra Shrama, Advocate (Legal Aid)

For State/Respondent : Smt. Smriti Shrivastava, PL

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**Hon'ble Smt. Justice Vimla Singh Kapoor**

**Order On Board**

**19.02.2021**

As is apparent from the FIR (Ex.P-1) lodged on 11.02.2008, on 08.02.2008 at about 6 pm, Harihar (PW-2) went to the house of Injura Singh (PW-1) and informed that some persons were calling him to a particular place. When PW-1 went to the said place, accused/applicants herein were sitting there arming themselves with the guns. They are alleged to have demanded money from them after collecting from villagers. Thereupon, PW-1 collected a total amount of Rs. 900/- and gave the same to the accused/applicants. On the basis of FIR (Ex.P-1) an offence under Section 384/34 IPC was registered against the accused/applicants herein. After investigation challan was filed and the charge framed under the same section.

2. Learned Magistrate vide judgment impugned dated 08.10.2009 passed in Criminal Case No. 69/2008 convicted the accused/applicants under Section 384/34 IPC and sentenced each of them to undergo RI for three years. Learned Lower Appellate Court also affirmed the same as a

whole vide judgment impugned dated 13.01.2010 passed in Criminal Appeal No. 45/2009.

3. Having heard counsel for the parties and perused the material on record, it is apparent that though the seizure witnesses Basantram (PW-7) and Dashuram (PW-8) have not supported the case of the prosecution yet they have admitted their signatures on the seizure memo (Ex. P-6) and (Ex. P-7) by which the gun and the bullets were seized. This apart, PW-1 and PW-2 have categorically stated in their statements that after collecting Rs. 100/- or 150/- from each of the villagers, they gave a total sum of Rs. 900/- to the accused/applicants as they were under the grip of fear on account of their being armed with guns. By asking the complainant (PW-1) to part with money after collecting the same from the villagers by showing weapons to them constitutes an offence of extortion under Section 384/34 IPC and therefore, both the Courts below have not committed any legal error in convicting the accused/applicants under Section 384/34 IPC. Their conviction is accordingly maintained.

4. However, the jail report dated 13.02.2021 shows that having completed the jail sentence imposed on them after getting remission they have been set free on 15.08.2010 and therefore nothing remains to be ordered even on the sentence part of the judgment impugned.

5. Revision is thus dismissed.

Sd/-

**(Vimla Singh Kapoor)**

**Judge**