

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 1435 of 2000**

1. Samaru Bareth S/o Darasram, aged about 30 years,
 2. Babulal S/o Milapram Sarathi, aged about 35 years
 3. Sukhram S/o Dilchand Bareth, aged about 19 years,
- All R/o Village Lavara, P.S. Baradwar, District Janjgir-Champa (M.P.)
(Now Chhattisgarh)

---- Appellants**Versus**

State of M.P. (Now Chhattisgarh)

---- Respondent**AND****Criminal Appeal No. 1465 of 2000**

1. Sukhnath S/o Awadhram Satnami, aged about 30 years,
 2. Ajit Kumar S/o Banshilal Yadav, aged about 23 years,
 3. Khikhram Kurre S/o Kulkiram, aged about 26 years,
 4. Ramnath S/o Bhurthuram Angare, aged about 23 years,
- All R/o Village Lavara, P.S. Baradwar, District Janjgir-Champa (M.P.)
(Now Chhattisgarh)

---- Appellants**Versus**

State of M.P. (Now Chhattisgarh)

---- Respondent

For Appellants	:	Mr. Vivek Sharma, Advocate
For Respondent	:	Mr. H.S. Ahluwalia, Dy. Advocate General

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board****12/01/2021**

1. Since both the appeals arise out of same judgment, therefore, they are

being decided by this common judgment.

2. These appeals have been preferred against the judgment dated 11/05/2000 passed in Sessions Trial No. 402/1999 by the Additional Sessions Judge, District Bilaspur (M.P.) (Now C.G.), whereby the Appellants have been convicted under Section 395/34 of the IPC and sentenced to undergo RI for 5 years and to pay fine of Rs. 1000/- each with default stipulations.
3. Facts of the case are that on the date of incident i.e. 03/08/1999, Complainant Ramkumar was going from Village Dabra to village Belhadeeh. At that time he was carrying Rs. 32,600/- in a black bag. It is alleged that when he reached to village Lavsara, the appellants and other persons caught hold him and snatched the bag possessed by Ramkumar, and thereby looted his entire amount. The matter was reported by Ramkumar vide Ex.P-33. On the next date of incident i.e. 04/08/1999, during course of investigation, Rs. 9200/-, Rs. 6200/- and Rs. 10,000/- were seized from Samaru, Babulal and Sukhram, respectively. Test Identification Parade was also conducted and during TIP, Complainant Ramkumar duly identified the appellants vide TIP memo Ex.P-29, Ex.P-30, Ex.P-31 and Ex.P-32. Statements of witnesses and Complainant were recorded under Section 161 of the Cr.P.C. After completion of investigation, a charge-sheet has been filed. Trial Court framed the charges. As many as 15 prosecution witnesses have 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.

4. After trial, the trial Court has convicted and sentenced the Appellants as mentioned in paragraph one of this judgment. Hence, these appeals.
5. 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 out of total jail sentence of 5 years, appellants in Criminal Appeal No. 1435/2000 i.e. Samaru, Babulal and Sukhram have already undergone about 2 ½ years and appellants in Criminal Appeal No. 1465/2000 i.e. Sukhnath, Ajit, Khikhram and Ramnath have already undergone about 9 months, they have no criminal antecedents, they are facing the *lis* since 1999, therefore, he prays that the jail sentence awarded to the Appellants may be reduced to the period already undergone by them.
6. 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.
7. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
8. Considering the above facts and circumstances of the case, particularly considering that out of total jail sentence of 5 years, appellants in Criminal Appeal No. 1435/2000 i.e. Samaru, Babulal and Sukhram have already undergone about 2 ½ years and appellants in Criminal Appeal No. 1465/2000 i.e. Sukhnath, Ajit, Khikhram and Ramnath have already undergone about 9 months, they have no criminal antecedents, they are facing the *lis* since 1999, 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.

9. Consequently, the appeals are partly allowed. The conviction of the Appellants under the aforementioned section is affirmed and they are sentenced to the period already undergone by them. The fine sentence is affirmed.
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