

HIGH COURT OF CHHATTISGARH, BILASPUR
CRA No. 1903 of 2017

1. Jagdish Bhil S/o Bodariya Aged About 19 Years R/o Bagdoli, Police Station Tanda, District Dhaar, Madhya Pradesh.
2. Kailash S/o Bhuru @ Bhur Singh, aged about 22 Years, R/o Bagoli, Police Station Tanda, District Dhaar, Madhya Pradesh.

---- Appellants

Versus

- The State Of Chhattisgarh Through The Police Station Katghora, District Korba Chhattisgarh.

---- Respondent

For Appellants	:Mr. Rajesh Jain, Advocate.
For State/Respondent	:Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

28.07.2021

1. This appeal has been preferred against the judgment dated 25.10.2017 passed in Sessions Case No.32/2015 by the Court of Additional Judge, Katghora of Additional Sessions Judge, Katghora, District Korba (C.G.) wherein, the Appellants have been convicted for the offence punishable under Sections 450, 394, 395 R/w Section 397 of the IPC and sentenced to undergo RI for 10 years and to pay fine of Rs. 25,000/-, RI for 10 years and to pay fine of Rs. 25,000/- and RI for 10 years and to pay fine of Rs. 25,000/- respectively, with default stipulations. All the jail sentence to run concurrently.

2. According to the case of prosecution, on 11.10.2014 at around 1:30 mid night, the Appellants and three co-accused persons with common intention entered in the house of one Kiran Devi, whereas they have snatched her golden chain and subsequently entered into the jewellery shop, whereas they have looted 'silver ring Bichhiya, Chudi, Payal, Kardhan at about 6 Kg., piece of gold of 15 gm., 3 ear tops, gold chain and some silver and gold coin and total sum of Rs. 4,17,000/- by using threatening to Kiran Devi, Minu and Ranjana. During the incident, they have also assaulted the above named victims due to that they sustained simple injuries. Later on, the matter was reported by Kiran Devi (PW-1). On the basis of said report, offence has been registered against the Appellants. Thereafter, Statement of the complainant and other witnesses were recorded under Section 161 of the Cr.P.C. After completion of investigation, charge-sheet was filed by the Police. Trial Court framed the charges against the Appellants. To robe the Appellants in the crime-in-question, the prosecution has examined as many as 23 witnesses. In the statement of the Appellants recorded under Section 313 of Cr.P.C, they have pleaded their innocence and false implication in the matter, however, no defence witness was examined by the Appellants.
3. After completion of trial, Trial Court convicted and sentenced the Appellants as mentioned in Para 01 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 both the Appellants have undergone more than 5 years of jail sentence, they have no criminal antecedents, they are poor and young persons and they are facing the *lis* since 2016. Therefore, it is prayed that the jail sentence and the fine amount awarded to them may be reduced.
5. On the contrary, learned State Counsel opposed the appeal and supported the impugned judgment.
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 the Appellants have undergone more than 5 years of jail sentence, they have no criminal antecedents and they are facing the *lis* since 2016. I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Appellants, the jail sentence awarded to them is reduced to the period from 10 years to 7 years as well as the fine sentence is also reduced to Rs. 25,000/- to 15,000/-.
8. Consequently, the appeal is partly allowed. The conviction of the Appellants under Sections 450, 394, 395 R/w Section 397 of the IPC is affirmed and against the conviction they are

sentenced to the period from 10 years to 7 years. The fine sentence for the above offence is also reduced from Rs. 25,000/- to Rs. 15,000/- which shall be payable within two months from the date of receipt of this order. In default of payment of the fine amount, the Appellants shall be liable to undergo rigorous imprisonment for six months.

9. 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