

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 93 of 2007**

- Seetaram Rathore, aged about 30 years, son of Lal singh, resident of Bacharwar, P.S. Pendra, District Bilaspur.

---- Appellant**Versus**

- The State of Chhattisgarh, through P. S. Pendra, District Bilaspur, Chhattisgarh.

---- Respondent**With****CRA No. 125 of 2007**

- Rakesh Pandey @ Pappu, S/o. Amrika Pandey, aged about 26 years, resident of Bacharwar, P.S. Pendra, District Bilaspur.

---- Appellant**Versus**

- The State of Chhattisgarh, through P. S. Pendra, District Bilaspur, Chhattisgarh.

---- Respondent

For Appellants	:	Mr. Yogendra Chaturvedi, Adv.
For Respondent/State	:	Mr. Raghvendra Verma, GA

Hon'ble Smt. Justice Rajani DubeyOrder On Board**16.09.2021**

1. The present appeals arise out of the impugned judgment of conviction and order of sentence dated 29.01.2007 passed by the learned Special Judge, under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, Bilaspur in Special S.T. No. 94/2006 whereby, the learned Court below has convicted the appellants under Sections 294 & 186 of the IPC and sentenced them to undergo S.I. for 1 month with fine of Rs. 500 & S.I. for 1

month with file of Rs. 500/-, each, respectively.

2. Brief facts of the case are that on 24.02.2006 at about 9 PM, when the complainant namely Smt. Itwariya Bai (PW-5) was discharging her duty as Staff Nurse at Community Health Centre Pendra, at that time, the appellants entered the duty room of Health Centre and started hurling abuses to the complainant using filthy language and also threatened her for dire consequences. Based on that, after completion of investigation, charge-sheet has been filed and the charges were framed against the appellants.

3. So as to hold the accused/appellants guilty, the prosecution has examined as many as 5 witnesses. Statements of the accused/appellants were also recorded under Section 313 of the Cr.P.C. in which they denied the charges leveled against them and pleaded innocence and false implication in the case.

4. After hearing the parties, vide impugned judgment of conviction and order of sentence dated 29.01.2007, learned Sessions Judge has convicted the appellants under Sections 294 & 186 of the IPC and sentenced them as mentioned above in para 1 of this order. Hence, these appeals filed by the appellants.

5. Learned counsel for the appellants submits that he is not pressing the appeal so far as it relates to the conviction part of the judgment and would confine his argument to the sentence part thereof only. According to him, appellants are facing the *lis* since 2006, i.e. for the last 15 years. Out of the total jail sentence of 1 month they have already undergone about 13 days. Appellants Seetaram Rathore & Rakesh Pandey @ Pappu are aged about 46 & 42 years respectively and no useful purpose would be served in again sending them to jail, therefore, in the interest of justice, it would be appropriate if the sentence imposed upon them may be reduced to the period already undergone by them.

6. Learned counsel for the State opposed the prayer made by learned counsel for the appellants and supported the impugned judgment.

7. Heard learned counsel for the parties and perused the

material on record including the impugned judgment.

8. Having gone through the material on record and the evidence of the witnesses Maniram (PW-2), Manoj (PW-3), S.S. Sauri (PW-4) & complainant Itwariya Bai (PW-5), involvement of the accused/appellants in the crime in question stands proved beyond reasonable doubt. This Court does not see any illegality in the findings recorded by the Court below as regards conviction of the appellants under Sections 294 & 186 of the IPC.

9. As regards sentence, keeping in view the facts that incident had taken place in the year 2006, and further that the appellants had already remained in jail about 13 days, therefore, their sentence are liable to be reduced to the period already undergone by them.

10. In view of the above consideration, the appeals are partly allowed. While maintaining the conviction of the appellants, they are sentenced to the period already undergone by them.

**Sd/-
(Rajani Dubey)
JUDGE**

V/-