

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 400 of 2016

- Suresh Gop, S/o Sumbihari Gop, Aged about 22 years, Occupation - Mason, R/o Village-Satpara, Ghattha, P.S. - Gumla, Civil and Revenue District Gumla, Jharkhand.

---- Appellant

Versus

- State of Chhattisgarh, Through, Police Thana - Jashpur, District Jashpur Chhattisgarh.

---- Respondent

For Appellant	:	Mr. Mohit Kumar, Advocate appears on behalf of Mr. Sanjay Agrawal, Advocate.
For Respondent/State	:	Mr. Akash Pandey, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

05/07/2021

1. By the impugned judgment dated 28.12.2015 passed in Sessions Trial No. 54/2015 by the learned Upper Sessions Judge, Jashpur, District Jashpur (C.G.), the Appellant has been convicted for the offence punishable under Section 392 read with 397 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 10 years, and to pay fine of Rs. 10,000/- and under Sections 25(1)(A) & 27(2) of the Arms Act and sentenced to undergo rigorous

imprisonment for 05 years, and to pay fine of Rs. 5000/- and rigorous imprisonment for 07 years, and to pay fine of Rs. 7000/- respectively, with default stipulations. All the sentences to run concurrently.

2. According to the case of prosecution, on 13.01.2015, complainant Arun Kumar Shriwastav (PW-1), Branch Manager of Chhattisgarh Rajya Gramin Bank, Branch Manora (C.G.), made a written complaint before Police Station- Manora, District Jashpur mentioning therein that at about 12:55 PM, three unknown persons entered in the Bank premises and looted Rs. 2,27,340/- from the Bank on the point of Katta. On the basis of above, FIR has been registered vide (Ex.P/2). Immediately after the incident, all three persons who were involved in the said incident, caught by the villagers on spot. During test identification parade of the Appellant and co-accused persons, they have duly identified by the complainant and other persons. Later on statements of witnesses recorded under Section 161 of Cr.P.C. After completion of investigation, charge-sheet has been filed against the Appellant and co-accused persons namely Ravi Urav @ Ravi Kujur and Manoj Bhagat @ Satish. Trial Court has framed the charges. To prove the guilt of the Appellant, the prosecution has examined as many as 20 witnesses. No defense witness has been examined by the Appellant. Statement of the Appellant under Section 313 of the Cr.P.C. was recorded, wherein he has pleaded his innocence and false implication in the matter.
3. After trial, the Trial Court has convicted and sentenced the Appellant as mentioned in paragraph one of this judgment. Hence, this appeal.

4. Learned Counsel appearing for the Appellant 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 the Appellant is in jail since 13.01.2015 and completed more than 6 ½ years out of 10 years of jail sentence, he has no criminal antecedent and he is facing the *lis* for last 6 ½ years. Therefore, the jail sentence awarded to him may be reduced to the period already undergone by him.
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 the fact that the Appellant is in jail since 13.01.2015 and completed more than 6 ½ years out of 10 years of jail sentence, he has no criminal antecedent and he is facing the *lis* for last 6 ½ years. I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Appellant, the jail sentence awarded to him is reduced to the period already undergone by him.
8. Consequently, the appeal is partly allowed. The conviction of the Appellant for the aforementioned Sections is affirmed and against the conviction he is sentenced to the period already undergone by him. The fine sentence for the aforementioned Sections is also affirmed.
9. It is reported that the Appellant is in jail, he be released forthwith if not

required in any other case.

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**

Vasant/Shubham