

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CRA No. 1592 of 2016

- Somendra @ Somy Dhruv S/o Kripal Singh Dhruv, Aged About 19 Years R/o Village- Sonpairi, Police Station- Magarload, Civil And Revenue District- Dhamtari Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Magarload, District- Dhamtari Chhattisgarh.

---- Respondent

And

CRA No. 492 of 2017

- Devkumar S/o Radheshyam Sahu, Aged About 33 Years R/o Village Saunpairi, Police Station Magarlod, District Dhamtari, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Magarlod, Civil And Revenue District Dhamtari, Chhattisgarh.

---- Respondent

And

CRA No. 999 of 2017

1. Yashwant Diwan S/o Maniram Diwan, Aged About 19 Years R/o Village Sonepari, Police Station Magarload, District Dhamtari, Chhattisgarh.
2. Vasudev Diwan S/o Panehram Diwan, Aged About 35 Years R/o Village Sonepari, Police Station Magarload, District Dhamtari, Chhattisgarh.

---- Appellants

Versus

- State Of Chhattisgarh Through Police Station Magarload, District Dhamtari, Chhattisgarh.

---- Respondent

And

CRA No. 199 of 2018

- Bhojram Nishad S/o Rohit Nishad Aged About 25 Years R/o Village Rakadih P. S. Magarload, District Dhamtari Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through P. S. Magarload, District Dhamtari Chhattisgarh

---- Respondent

For Appellant (in CRA No. 1592/2016) :Mr. Prateek Sharma, Advocate.
For Appellant (in CRA No. 492/2017) :Ms. Ranjana Jaiswal, Advocate.
For Appellants (in CRA No. 999/2017) :Mr. Rishikant Mahobia, Advocate.
For Appellant (in CRA No. 199/2018) :Mr. Badruddin Khan, Advocate.
For State/Respondent :Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

17.08.2021

1. These appeals have been preferred against the judgment dated 21.11.2016 passed in Sessions Trial No.25/2016 by the learned Additional Sessions Judge (FTC), Dhamtari, Distt. Dhamtari(C.G.) wherein, the Appellants have been convicted for the offence punishable under Sections 341, 294, 323, 506B, 354A, 354B, 384, 385 & 395 of the IPC and Section 67 of the IT Act and sentenced to undergo RI for 1 month and to pay fine of Rs. 500/-, RI for 3 months and to pay fine of Rs. 500/-, RI for 1 year and to pay fine of Rs. 1,000/-, RI for 2 years and to pay fine of Rs. 1,000/-, RI for 3 years and to pay fine of Rs. 1,000/-, RI for 7 years and to pay fine of Rs.

1,000/-, RI for 3 years and to pay fine of Rs. 1,000/-, RI for 2 years and to pay fine of Rs. 1,000/-, RI for 10 years and to pay fine of Rs. 5,000/- and RI for 3 years and to pay fine of Rs. 20,000/- respectively, with default stipulations. All the jail sentences to be run concurrently.

2. According to the case of prosecution, on 04.05.2015, when complainant and one Bhopal Sahu were going to their sister's house for attending marriage ceremony allegedly while going to Navagaon, the Appellants have stopped them near Sonpairi at about 2:30 PM, by abusing Bhopal, they snatched his mobile and Rs. 20 and outraged the modesty of the complainant which was recorded in mobile phone and also looted Rs. 1,000/- from her and finally after giving threats, the Appellants fled away from the spot. Both the complainants went to Navagaon and attended the marriage ceremony and not informed the incident to anyone. However, when the complainant came to know that video recording of the incident is circulated in whatsapp, then the complainant lodged FIR on 07.06.2015 against the Appellants on the basis of which, offence has been registered against the Appellants. Later on statements of the complainant and witnesses recorded under Section 161 of 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 12 witnesses. In the statements 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, these appeals.

4. Learned Counsel appearing for the Appellants submit that they do not want to press these appeals on merits and confine their arguments to the sentence part only. They further submit that the Appellants are in jail since 08.06.2015, they have no criminal antecedents and they are facing the *lis* since 2015. Therefore, the jail sentence awarded to them may be reduced to the period already undergone by them.

5. On the contrary, learned State Counsel opposed the appeals 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 Appellants are in jail since 08.06.2015, they have no criminal antecedents and they are facing the *lis* since 2015. 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 already undergone by them.

8. Consequently, the appeals are partly allowed. The conviction of the Appellants under Sections 341, 294, 323, 506B, 354A, 354B, 384, 385 & 395 of the IPC and Section 67 of the IT Act is affirmed and against the conviction, they are sentenced to the period already undergone by them. The fine sentences for the above offence is also affirmed.
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