

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 1853 of 2017**

1. Chandan Singh, S/o Muni Singh Rajput, aged about 21 years, R/o Village Bhakura, Police Station – Mukasil, District Aara (Bihar).
2. Harendra Kumar @ Prince, S/o Ramchandra Yadav, aged about 19 years, R/o Laxman Nagar, Police Station Muksil, District Aara (Bihar).

---- Appellants**Versus**

- State of Chhattisgarh Through Station In-charge Officer, Police Station Katghora, District - Korba, (C.G.)

---- Respondent

For Appellant	:	Shri Brijesh Singh, Advocate.
For Respondent/State	:	Shri Sushil Sahu, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****16/08/2021**

1. This appeal has been preferred against the judgment dated 30/10/2017 passed in Sessions Trial No. 20/2017 by the Court of Additional Judge to the Additional Sessions Judge, Katghora, District Korba, (C.G.), whereby appellants have been convicted under Section 394 of the Indian Penal Code and sentenced to undergo R.I. for 10 years and to pay fine of Rs. 5,000/- with default stipulation.
2. Facts of the case are that on 05.02.2017, complainant Ratan Singh (Driver of the trailer) along with his helper were coming from Darri to Dipka after unloading their trailer. At about 1:00 A.M. when they reached at village Chhuri, allegedly, appellants and other co-accused

persons came in a car and overtake the trailer of the complainant and stopped the vehicle of the complainant. Thereafter, all the appellants on the tip of knife looted cash of Rs.4,500/- from the pocket of the complainant and also looted papers of trailer and ran away from car. Thereafter, matter was reported by the complainant and on the basis of the said, offence has been registered. Statement of complainant/injured as well as other witnesses were recorded. After completion of investigation, a charge-sheet was filed. Trial Court framed the charges. As many as 6 prosecution witnesses have been examined. No defence witness has been examined. Statement of the appellants under Section 313 of the Cr.P.C has been recorded, wherein they have pleaded 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 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 the appellants have looted only Rs.4,500/- and they have undergone about 4 ½ months out of total jail sentence of 10 years, they have no criminal antecedent and they are facing the *lis* since 2017, therefore, he prays that the jail sentence awarded to the appellants may be reduced to the period already undergone by them.
5. 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.

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 out of total jail sentence of 10 years, appellants have undergone about 4 ½ months, they are facing the *lis* since 2017 and there is no criminal antecedent against them, 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.
8. Consequently, the appeal is 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.
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