

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1425 of 2021**

- Munna @ Udairam, S/o Bharat Lal, Aged About 42 Years, R/o Village- Milupara, P.S.- Tamnar, Tehsil- Gharghoda, District- Raigarh, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh Through The District Magistrate, Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri S.S. Baghel on behalf of Shri Anuroop Panda Advocate
For Respondent/State	: Shri Ravipal Maheshwari, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****14.12.2021**

1. The present is an application filed under Section 482 of the Criminal Procedure Code seeking for modification of judgment dated 13.04.2010 passed by this Court in Criminal Revision No. 354/2002.
2. The modification sought for by the applicant is to the extent of enhancement of the period prescribed in depositing the compensation amount in terms of the aforesaid judgment and applicant may kindly be permitted to deposit the said amount.
3. Vide judgment dated 30.09.1999, applicant was convicted under Section 279 and 337 of IPC in Criminal Case No. 273/1997 and

sentenced him to undergo S.I. for 2 months and S.I. for 1 month respectively.

4. Applicant had thereafter preferred a Criminal Appeal No. 235/1999 vide order dated 23.07.2002 before the learned 4th Additional Sessions Judge whereby, the trial court acquitted the applicant from section 279 of IPC but affirmed the conviction and sentence of the applicant for the offence punishable under Section 337 of the IPC.
5. Being aggrieved by the order dated 23.07.2002, applicant preferred Criminal Revision No. 354 of 2002, challenging his conviction under Section 337 of IPC and S.I. for 1 month before this Court. The Court vide its judgment dated 13.04.2010 partly allowed the criminal revision to the extent that sentence part of the applicant is reduced to the period suffered by the applicant and fine of Rs. 500/- is also imposed on the applicant under Section 337 of the IPC, in default of payment of fine he shall further undergo S.I. for 1 month.
6. Learned counsel for the applicant would submit that though the judgment of this Court was passed on 13.04.2010, it could not be communicated to applicant in time and he only came to know about it in the month of November, 2021. He further submits that on account of financial stringency, the applicant could not deposit the compensation amount within the stipulated period and now he seeks modification of the judgment dated 13.04.2010 to the extent that he may be given a further time of one month's period within which the entire compensation amount can be deposited.

7. Learned State counsel however submits that no strong justification has been given by the applicant for not complying with the orders passed by this Court in Criminal Revision No.354/2002 within the reasonable time and therefore the present application is liable to be rejected.
8. Having heard counsel for the parties and perused the material available on record, admittedly, in terms of the judgment passed by this Court on 13.04.2010 in Criminal Revision No. 354/2002, the fact that he could not arrange the compensation amount during the intervening period is duly considered and this Court in the larger interest of justice, taking into consideration the findings of the aforesaid judgment dated 13.04.2010, grants further one month's time to the applicant starting from today enabling him to deposit the amount of compensation. Upon such deposit being made by the applicant within a period of 60 days from today.
9. Cr.M.P. accordingly stands allowed.

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