# IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

**BEFORE**

**HON'BLE SHRI JUSTICE PREM NARAYAN SINGH**

**ON THE 13th OF DECEMBER, 2023**

**CRIMINAL REVISION No. 1816 of 2018**

**BETWEEN:-**

1. **RAMSINGH S/O RAMAJI, AGED ABOUT 38 YEARS, R/O VILLAGE-BHIDOTA KHURD, P.S. SADALPUR, TEHSIL DHAR (MADHYA PRADESH)**

2. **ASHOK S/O RAMAJI, AGED ABOUT 33 YEARS, VILLAGE BHIDOTRA KHURD, P.S. SADALPUR (MADHYA PRADESH)**

**.....PETITIONERS**

***(SHRI NILESH DAVE, LEARNED COUNSEL FOR THE PETITIONER ).***

**AND**

**THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH P.S. SADALPUR (MADHYA PRADESH)**

**.....RESPONDENTS**

***( SHRI GAURAV RAWAT DY. GOVT. ADVOCATE).***

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***Reserved on :14.12.2023***
***Delivered on :22.12.2023***

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*This criminal revision having been heard and reserved for orders, coming on for pronouncement this day, the court passed the following:*

**ORDER**

With consent of the parties heard finally.

1. This criminal revision under Section 397/401 of Cr.P.C. has been filed by the petitioner being aggrieved by the judgment dated 13.04.2018, passed by the Fifth Additional Sessions Judge, District Dhar, in Cr.A.No.87/2017, partly

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allowing the judgment dated 19.05.2017, passed by learned JMFC, Dhar, in Criminal Case No. 1308/2014 whereby the petitioner No.1 has been convicted for offence under Sections 324 of IPC and sentenced to undergo 01 year of RI with fine of Rs.1000/- and petitioner No.2 has been convicted for offence under Sections 325 of IPC and sentenced to undergo 01 year of RI with fine of Rs.1000/- with default stipulations.

2. The petitioners have preferred this criminal revision on several grounds but during the course of arguments, learned counsel for the petitioners did not press this revision on merits and not assail the finding part of judgment. He confines his argument on the point of sentence only and prays that since the petitioners have already undergone approximately *77* ***days*** in jail incarceration, their sentence be reduced to the period already undergone. It is further submitted that the petitioners deserve some leniency as the petitioners already suffered the ordeal of the trial since 2014 i.e.for a period of 09 years. It is further submitted that this petition be partly allowed and the sentence awarded to the petitioners be reduced to the period already undergone by enhancing the fine amount.

3. Learned counsel for the State on the other hand supports the impugned judgment and prays for dismissal of this revision.

4. Having considered the rival submissions and on perusal of the record, the submission of the learned counsel for the petitioners appears to be just and proper.

5. However, the learned trial Court as well as the learned Appellate Court has not committed any error in appreciation of evidence available on record. **Further, it is found that both the courts below considered the evidence available on record and correctly found that the case of the prosecution**

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**is well supported by the injured, witnesses and medical testimony**. Both the Courts below have well considered the material available on record, hence, no infirmity is found in the impugned order of conviction passed by both the Courts below, accordingly, the same is upheld.

6. So far as the sentence of the petitioners is concerned, after the lapse of almost 09 years, the submissions has been made by the petitioners regarding enhancement fine appears to be proper. The petitioner has suffered the ordeal of criminal case since 2014, this Court finds it expedient to partly allow this revision petition by affirming the conviction of the petitioners.

**7.** Accordingly, this revision petition is partly allowed and the conviction of the petitioner No.1 Ramsingh and Petitioner No. 2 Ashok under Sections 324 and 325 of IPC respectively is hereby affirmed by reducing their sentence to the period already undergone awarded by the Trial Court by increasing the fine amount of petitioners from Rs.1,000/- to Rs. 10,000/- to be paid by each of the accused persons within a period one month from today. Out of the fine amount so deposited by the petitioners Rs. 5,000/- and 5,000/- be paid to Injured be paid to the *injured* Lakhan and Amarsingh.

8. If the petitioners fail to deposit the amount, they will suffer one month S.I.each in default of payment of fine amount.

9. A copy of this order be send to the concerned trial Court for necessary compliance.

C.C.as per rules.

**(PREM NARAYAN SINGH)**
**JUDGE**

VD

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