

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE RAJENDRA KUMAR (VERMA)**

ON THE 21st OF NOVEMBER, 2022

CRIMINAL REVISION No. 878 of 2014

BETWEEN:-

**DEVNARAYAN S/O BAPULAL, AGED ABOUT 24
YEARS, VILLAGE CHAMARI, P.S. BIAORA,
DISTRICT RAJGARH (MADHYA PRADESH)**

.....PETITIONER

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

AND

**THE STATE OF MADHYA PRADESH THRU.P.S.
BIAORA, DISTRICT RAJGARH (MADHYA
PRADESH)**

.....RESPONDENT

**(SHRI MUKESH KUMAWAT, LEARNED GOVERNMENT
ADVOCATE FOR THE RESPONDENT/STATE)**

.....
*This revision coming on for hearing this day, the court passed the
following:*

ORDER

With consent of the parties heard finally.

This criminal revision under Section 397/401 of Cr.P.C. has been filed by the petitioner being aggrieved by the judgment dated 25.07.2014 passed by the learned Ist Additional Sessions Judge, Biaora, district Rajgarh in Cr.A.No.317/13 partly allowing the appeal against the judgment dated 25.10.2013 passed by learned Judicial Magistrate First Class, Biaora, district Rajgarh in criminal case no.927/2009 whereby the petitioner has been convicted for offence under Section 323 of IPC and sentenced to 3 months R.I. with fine

of Rs.250/-with default stipulations and acquitted the petitioner from offence under Sections 324, 324/34 of IPC.

The petitioner has preferred this criminal revision on several grounds but during the course of arguments, learned counsel for the petitioner did not press this revision on merit and not assails the finding part of judgment. He confines his argument on the point of sentence only and prays that since the petitioner has already undergone 14 days in jail incarceration, his sentence be reduced to the period already undergone. It is further submitted that the incident had taken place at the spur of the moment on some small dispute. It is further submitted that the petitioner deserves some leniency as the petitioner already suffered the ordeal of the trial since 2009 i.e.for a period of 13 years and he is first offender. It is further submitted that this petition be partly allowed and the sentence awarded to the petitioner be reduced to the period already undergone by enhancing the fine amount.

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

Having considered the rival submissions and on perusal of the record, the submission of the learned counsel for the petitioner appears to be just and proper. Hence, finding force in the contentions raised by the learned counsel for the petitioner, and the fact that the petitioner suffered the ordeal of criminal case since 2009, this Court finds it expedient to partly allow this revision petition by affirming the conviction of the petitioner, however, reducing the sentence to the period already undergone by increasing the fine amount.

Accordingly, this revision petition is partly allowed and the sentence awarded to the petitioner is hereby reduced to the sentence already undergone by increasing the fine amount to Rs.2000/- to be paid within a period of two

months from today, out of which Rs.1000/- be paid to the complainant-Narayan Singh. Since the petitioner is already on bail, his bail bonds stands discharged. It is made clear that if the petitioner fails to comply with the conditions as stipulated by this Court, as aforesaid, then the order of the appellate Court shall be revived and petitioner shall suffer the jail sentence as already imposed by the appellate Court.

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

C.C.as per rules.

(RAJENDRA KUMAR (VERMA))

JUDGE

RJ

