

Siddharth Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Jan-04-2013

Appellant : Siddharth

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Jafar Khan

Judgement :

IN THE HIGH COURT OF MADHYA PRADESH, JABALPUR SINGLE BENCH :
HONBLE MR. JUSTICE N.K.GUPTA, J.Criminal Revision No.2249/2012 Siddharth
VERSUS State of Madhya Pradesh
----- Shri Jafar Khan, counsel
for the applicant. Shri P.C.Gupta, Panel lawyer for the State/respondent.

ORDER

(Passed on the 4th day of January, 2013) The applicant was convicted for the offence punishable under sections 324 of IPC vide judgment dated 8.7.2011 passed by the JMFC, Sagar in Criminal case No.3765/2008 and sentenced for 1 year's rigorous imprisonment with fine of Rs.500/- and in default of payment of fine, 15 days' simple imprisonment was also directed. The appeal filed by the applicant before the Fifth Additional Sessions Judge, Sagar was dismissed vide judgment dated 18.10.2012 being barred by limitation. In the present revision, the

applicant has challenged both the orders relating to his conviction. - 2 - Criminal Revision No.2249 o

2. The prosecution's case, in short, is that, it is alleged against the applicant that he assaulted the victim Pappu Raikwar (P.W.5) on 14.7.2003 by a Baka (a sharp cutting weapon) at Subedar ward, Sagar. After due investigation, a charge-sheet was filed before the Chief Judicial Magistrate, Sagar and ultimately, it was transferred to the JMFC concerned.

3. The applicant abjured his guilt. He did not take any specific plea in the case and therefore, no defence evidence was adduced.

4. After considering the evidence adduced by both the parties, the learned Judicial Magistrate First Class convicted and sentenced the applicant as mentioned above, whereas, appeal filed by the applicant was dismissed by the learned Fifth Additional Sessions Judge, Sagar vide judgment dated 18.10.2012 being barred by limitation.

5. I have heard the learned counsel for the parties.

6. Looking to the evidence given by the complainant as well as the eye witnesses alongwith the medical evidence and FIR, it is apparent that the applicant has committed the offence punishable under section 324 of IPC and therefore, the trial Court has rightly convicted him for that offence.

7. So far as the sentence is concerned, the applicant was the first offender, who faced the trial, appeal and - 3 - Criminal Revision No.2249 of 2012 revision for the last 4 years. He remained in the custody for 4 months. Under such circumstances, his sentence may be reduced to the period, which he has already undergone in the custody by enhancement of some fine.

8. On the basis of the aforesaid discussion, revision petition filed by the applicant is hereby partly allowed. The conviction directed by the trial Court for the offence punishable under sections 324 of IPC is hereby maintained but, sentence is reduced to the period, which he has already undergone in the custody. However, fine is enhanced from a sum of Rs.500/- to a sum of Rs.4,000/-. In default of

payment of fine, the applicant shall undergo for six months rigorous imprisonment, in addition. If fine is deposited then, a sum of Rs.2,500/- be given to the victim Pappu Raikwar S/ o Shri Baijnath Raikwar, R/o Purvayau, Police Station Kotwali, District Sagar, by way of a compensation.

9. Office is directed to arrange for issuance of supersession warrant accordingly, so that the applicant may be released from the jail, if he deposits the fine amount before the jail authorities or the trial Court. - 4 - Criminal Revision No.2249 o

10. A copy of the order be sent to both the Courts below along with their records for information and necessary compliance. (N.K.GUPTA) JUDGE 4 1/2013 Pushpendra

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