

Harisharan Vs. the State of M.P.

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Court : Madhya Pradesh

Decided On : May-14-2013

Appellant : Harisharan

Respondent : The State of M.P.

Advocate for Pet/Ap. : Shri. Anand Nayak

Judgement :

IN THE HIGH COURT OF MADHYA PRADESH, JABALPUR SINGLE BENCH :
HONBLE MR. JUSTICE N.K.GUPTA, J.Criminal Revision No.1495/2004
Harisharan VERSUS The State of Madhya Pradesh
----- Shri Anand Nayak,
counsel for the applicant. Shri Ajay Tamrakar, Panel Lawyer for the State/
respondent. -----

ORDER

(Passed on the 14th day of May, 2013) The applicant has preferred the present revision against the order dated 1.10.2004 passed by the learned First Additional Sessions Judge, Satna in criminal appeal No.8/2002, whereby the conviction directed against the applicant for the offence punishable under section 325 of IPC was maintained and the applicant was sentenced with 6 months rigorous imprisonment with fine of Rs.500/-.

2. The prosecution's case, in short, is that, on 1.12.1992, at about 9 a.m., in the morning, the applicant assaulted the victim Bhagwandas by a stick and an axe at the village Raund (Police Station Singhpur, District Satna). The victim sustained so many injuries. Out of them, a fracture of left humerus bone and a fracture of 9th rib was - 2 - Criminal Revision No.1495 of 2004 found to the victim. An FIR was lodged and after due investigation, a charge-sheet was filed.

3. The applicant abjured his guilt. Chhotelal (D.W.1) was examined as defence witness.

4. The learned Judicial Magistrate First Class, Satna, after considering the evidence adduced by the parties, convicted the applicant for the offence punishable under section 325 of IPC and sentenced him with fine of Rs.500/-. The appeal filed by the applicant was dismissed in toto.

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

6. The applicant does not challenge the conviction directed against him. The learned counsel for the applicants submits that the applicant remained in the custody for 14 days. He has faced the trial, appeal and revision since last 20 years. Under such circumstances, looking to the gravity of offence, he may not be sent to the jail again. The contentions advanced by the learned counsel for the applicant can be accepted but, looking to the custody period of the applicant, some fine amount may be enhanced.

7. On the basis of the aforesaid discussion, the revision filed by the applicant is hereby partly allowed. Conviction directed against the applicant for the offence punishable under section 325 of IPC is hereby maintained but, sentence is reduced to the period, which he has already - 3 - Criminal Revision No.1495 of 2004 undergone in the custody, whereas, fine amount is hereby enhanced from a sum of Rs.500/- to a sum of Rs.5,000/-. The applicant is directed to deposit the remaining fine amount before the trial within two months from today, failing which he shall undergo for 6 months rigorous imprisonment. If fine is deposited then, a sum of Rs.4,000/- be provided to the victim Bhagwandas S/o Daddi, R/o Village Raund, Police Station Singhpur, District Satna, by way of a compensation.

8. A copy of the order be sent to the trial Court as well as to the appellate Court along with their records for information and compliance.

9. Attention of the learned trial Court is also invited to the provision of section 68 of the Cr.P.C. (N.K.GUPTA) JUDGE 14 5/2013 Pushpendra

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