

Natthu Vs. the State of M.P.

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Court : Madhya Pradesh

Decided On : May-14-2013

Appellant : Natthu

Respondent : The State of M.P.

Judgement :

HIGH COURT OF JUDICATURE MADHYA PRADESH, JABALPUR SB: HON. SHRI N.K.GUPTA,J.CRIMINAL REVISION NO.1616/2004 Natthu. Vs. State of Madhya Pradesh.

----- Shri Ramesh Tamrakar , Advocate for the applicant. Shri G.S.Thakur, Panel Lawyer for the respondent/ State.

ORDER

(ORAL) (Passed on the 14th day of May, 2013) The applicant was convicted for commission of offence under Sections 353, 452 of IPC and sentenced for three months' rigorous imprisonment with fine of Rs.100/- and three months rigorous imprisonment by the Judicial Magistrate First Class, Panna (Shri Sanjeev Jain) vide judgment dated 22.1.2004 in Criminal Case No.586/2003. In default of payment of fine, he was to undergo additional imprisonment for seven days and fifteen days respectively. In Criminal Appeal No.16/2004, the Additional Sessions Judge, Panna vide judgment dated 27.7.2004 dismissed the appeal of the

applicant in toto. Being aggrieved with the judgments of both the Courts belows, this criminal revision is preferred by the applicant.

2. The prosecution case, in short, is that on 10.2.2001 the complainant Jaipal Singh (PW-4) was working 2 Criminal Revision No.1616/2004 in the school at Sahalwara (Police Station Gunore District Panna). At about 11:00 AM in the morning the applicant went inside the school with a stick. He directed the complainant that he should mention the presence of his daughter on each and every day otherwise he would assault. Thereafter the complainant went to the office of the Headmaster and thereafter the applicant chased him and scuffled with the complainant. The complainant lodged a written report at Police Station Gunore and the case was registered. After due investigation a charge sheet was filed.

3. The applicant abjured his guilt. He did not take any specific plea in the matter. However, Ram Viswas (DW-1) was examined.

4. The learned JMFC after considering the evidence adduced by the prosecution convicted and sentenced the applicant as mentioned above and the appeal filed by the applicant was also dismissed the learned Additional Sessions Judge, Panna.

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 applicant submits that the applicant was an old person of 58 years of age at that time. He has faced the trial, appeal and revision since the year 2001 and at present he is 68 years of age, and therefore it would be very difficult for him to go to the jail. He remained in the custody for eight days. Looking to 3 Criminal Revision No.1616/2004 the over-act of the applicant, it is not so grave, and therefore only fine could be imposed upon the applicant. Under such circumstances, he may not be sent to the jail again.

7. The contention raised by the learned counsel for the applicant appears to be acceptable, and therefore the jail sentence of the applicant may be reduced to the period which he has already undergone in the custody but fine amount may be

enhanced.

8. On the basis of the aforesaid discussion, the present revision filed by the applicant is partly allowed. The conviction directed by both the Courts below for commission of offence punishable under Sections 452, 353 of IPC against the applicant is hereby maintained, but the jail sentence is reduced to the period which he has already undergone in the custody. There is no enhancement in the fine amount of the offence under Section 452 of IPC, but the fine of Rs.100/- directed for the offence under Section 353 of IPC is enhanced to a sum of Rs.2500/-. The applicant is directed to deposit the fine amount before the trial Court within two months, failing which he shall undergo three months' RI. If fine is deposited, then a sum of Rs.2,000/- be provided to the complainant Jaipal Singh (PW-4) by way of compensation whose address is given in the record of the trial Court. 4 Criminal Revision No.1616/2004 9. A copy of this order be sent to the trial Court as well as appellate Court along with their records for information and compliance.

10. Attention of the learned trial Court is invited to the provisions of Section 68 of IPC. (N.K.Gupta) Judge 14/05/2013 Ansari

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