

Bharat Singh Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Jan-07-2013

Appellant : Bharat Singh

Respondent : The State of Madhya Pradesh

Judgement :

Criminal Revision No.2051/2012 07.01.2013 Shri Amod Gupta, Advocate for the applicant.

Shri Punit Shrotri, Panel Lawyer for the respondent No.1-State.

None for the respondent No.2.

Since the charge sheet was filed by the police in the present case, and therefore for considering the present revision, the respondent No.2 is not a necessary party.

At the request of learned counsel for the parties, the matter is finally heard.

The applicant was convicted for the offence punishable under Section 323 of IPC (two counts) vide judgment dated 31.12.2011 passed by the learned JMFC Dindori (Smt.

Rashmi Balter) in Criminal Case No.603/2010 and sentenced for till rising of the Court with fine of Rs.800/-.

The criminal appeal No.50/12 preferred by the applicant was also dismissed by the learned Additional Sessions Judge, Dindori vide judgment dated 6.9.2012.

For disposal of the present revision, the facts of the case are, in short, that on 16.1.2010 at about 5:45 PM in the evening the complainant Madan Mohan Rai went to the office of Gram Panchayat Jata Dongri, where he was elected as Up-Sarpanch.

He requested the applicant Bharat Singh that being a Panchayat Secretary he was not giving the details of the various files and thereafter the applicant assaulted the victim Madan Mohan Rai.

The offence under Sections 294, 506-B, 355, 323, 147, 149 of IPC was registered against the applicant and other co-accused persons.

In the present revision, the learned counsel for the applicant has submitted that the applicant is a Panchayat Secretary and he is punished with the sentence of till rising of the Court by which he may lose his job, and therefore sentence may be altered so that there would be no adverse affect on his job.

Looking to the overt-act of the applicant, it is a very minor case against the applicant and therefore it is not so grave.

Under such circumstances, it would be proper to pass a sentence so that applicant would not lose his job.

Consequently, the revision filed by the applicant is hereby partly allowed.

The conviction for the offence under Section 323 of IPC (two counts) is hereby maintained, but the sentence directed by the trial Court against the applicant is hereby set aside.

The applicant be released under the provisions of Section 3 of the Probation of Offenders Act with due admonition.

A copy of this order be sent to both the Courts below along with their record for information and compliance.

(N.K.Gupta) Judge Ansari

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