

Ramkrishan Vs. the State of Madhya Pradesh

Ramkrishan Vs. the State of Madhya Pradesh

SooperKanoon Citation : sooperkanoon.com/1093324

Court : Madhya Pradesh

Decided On : Oct-08-2013

Appellant : Ramkrishan

Respondent : The State of Madhya Pradesh

Judgement :

CRR No.1702/2013 -1- HIGH COURT OF MADHYA PRADESH JABALPUR
SINGLE BENCH: Honble Shri Justice A.K. Shrivastava CRIMINAL REVISION
No.1702/2013 Applicant: Ramkrishan s/o Premnarayan Cast-Ahir R/o village -
Kasrawad, Police Station - New Harsud, District Khandwa (M.P.) Versus
Respondent : State of Madhya Pradesh through Police Station Harsud, District
Khandwa. ----- Shri Shashank Upadhyay, Advocate
for the applicant. Shri R.S. Shukla, Public Prosecutor for the respondent-State.

ORDER

(Passed on this 8th October, 2013) Feeling aggrieved by the judgment dated
24.8.2013 passed by learned Sessions Judge, Khandwa (M.P.) in Criminal Appeal
No.138/2013 thereby affirming the judgment of conviction and order of sentence
dated 30.4.2013 passed by learned Judicial Magistrate, First Class, Harsud,
District Khandwa in Criminal Case No.360/2007 convicting the applicant under
Section 324 IPC and sentencing him to suffer R.I. for 6 months and fine of
Rs.200/-; in default of fine further imprisonment of 15 days and further CRR
No.1702/2013 -2- convicting the applicant under Section 341 IPC and sentencing

him to suffer simple imprisonment of 1 month and fine of Rs.100/-; in default of fine further imprisonment of 7 days, the applicant has preferred this revision application under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973.

2. Learned counsel for the applicant submits that learned two Courts below contrary to the evidence, have convicted the applicant. Hence, by allowing this revision the impugned judgment be quashed and the applicant be acquitted from the charges.

3. I do not find any merit in the contention put forth by learned counsel for the applicant. On bare perusal of the statement of complainant Parasram (PW-1) it is gathered that when he was coming home after attending the call of nature the accused stopped him on the way and asked for the compensation amount. The complainant protested, whereupon the accused dealt Axe blow upon him. Specifically this witness has stated that the Axe blow was given on his head, shoulder and leg. The testimony of injured witness PW-1 is corroborated by the FIR (Ex.P-1) and the eyewitness account of Uttar (PW-2) who is son of the complainant. The testimony of the injured witness is also corroborated by medical evidence. Dr. Ashish Raj (PW-4) medically examined the injured and found the injuries on the body of the injured which are mentioned in Ex.P-3, which read, thus:- CRR No.1702/2013 -3- (I) An incised wound 3. x . x . on occipital region of the head; (ii) contusion on the left elbow; (iii) contusion on the left shoulder; (iv) abrasion on the left knee . x . Thus, according to me, the learned two Courts below did not commit any error in convicting the applicant under Section 324 and 341 IPC.

4. At this stage, an alternative submission has been put forth by learned counsel for the applicant that since the date of judgment passed by learned Appellate Court, which is 24.8.2013 the applicant is in Jail. The applicant has already suffered Jail sentence of one month and 13 days, therefore, some leniency may be adopted in passing the sentence and the applicant be released for the period he had already undergone.

5. Looking to the facts and circumstances and by paying heed that out of total sentence of six months the applicant has already suffered Jail sentence of one

month and 13 days, he is sentenced for the period he had already undergone. However, the fine amount under Section 324 IPC is enhanced from Rs.200/- to Rs.5,000/-. Let the balance amount of Rs.4,800/- be deposited by the applicant on or before 22.10.2013. However, it is made clear that unless and until the entire fine amount of Rs.5,000/- is deposited by the applicant he shall not be released from the Jail. On deposition of the entire amount of fine he may be released from Jail, if he is not required in any other case. Let the entire amount of CRR No.1702/2013 - 4- fine Rs.5,000/- which shall be deposited by the applicant in the Trial Court be paid to injured-complainant Parasram s/o Poonamchand, R/o Kasrawad, Police Station Harsud, District Khandwa (M.P.), who was examined in the Trial Court as PW-1 towards compensation under Section 357 Cr.P.C. The learned Trial Court is hereby directed to disburse the said amount to the complainant.

6. The amount of compensation may be deposited in the entirety or in installment. It is further made clear that in case the applicant fails to deposit the compensation amount, he shall undergo the jail sentence of three months R.I. The Registrar (J) is directed to send the record to learned Trial Court posthaste so as to reach to that Court much earlier to 22.10.2013.

7. Resultantly, with the aforesaid observation and by interfering in the quantum of sentence, this revision application succeeds and is allowed to the extent indicated hereinabove. (A.K. SHRIVASTAVA) JUDGE0810.2013 S/

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com