

Govind Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Oct-09-2013

Appellant : Govind

Respondent : The State of Madhya Pradesh

Judgement :

HIGH COURT OF MADHYA PRADESH AT JABALPUR Criminal Revision
No.1800/2013 Petitioner : Govind S/o Ramlal Lauvanshi Vs. Respondent : The
State of Madhya Pradesh Present: Hon. Shri B.D.Rathi
----- For
petitioner : Shri Narendra Jain, Advocate For the respondent : Shri S.K. Kashyap,
Govt. Advocate

ORDER

(9/10/13) This revision petition has been preferred against the judgment dated 12/8/2013 passed by I Additional Sessions Judge, Khandwa, in Cr.A. No.155/13 whereby the judgment dated 15/05/2013 passed by Judicial Magistrate First Class, Khandwa in Criminal Case No.79/97 convicting the petitioner under Section 25(1B)(a) of the Arms Act and sentencing to undergo R.I. for one year and six months and to pay fine of Rs. 300/-, was affirmed.

2. Prosecution case, in brief, is that on 16/08/1996 the petitioner was arrested with three country made pistols while roaming around the Dulharfate square near

Khargone.

3. At the outset, learned counsel for the petitioner submitted that he does not want to challenge the conviction awarded to the petitioner. However, he prayed that the custodial sentence passed against the petitioner may be reduced to the period already undergone.

4. In response, learned Government Advocate while making reference to the incriminating pieces of evidence on record, submitted that the conviction was well merited and the impugned judgment did not warrant interference.

5. Having regard to the arguments advanced by the parties, perused the judgment of trial Court.

6. As the conviction is not under challenge, adverting to the question of sentence, it is apparent from the record that the incident took place, as early as, in the year 1996 and since then the petitioner has faced the prosecution and suffered the ordeal of trial and appeal for a considerable period of more than 16 years. Taking into consideration facts and circumstances of the case including the fact that petitioner had no criminal antecedents, interests of justice would be met if the term of custodial sentences is reduced to 1 year and fine amount is enhanced to Rs.2000/-.

7. In view of the aforesaid, impugned conviction is maintained. However, the impugned term of custodial sentence is reduced to 1 year while the fine sentence is enhanced to Rs.2000/- in default to suffer S.I. for 1 month.

8. In the result, the revision stands allowed in part.

9. Copy of the judgment be sent to the trial Court for information and compliance.
(B. D. RATHI) JUDGE910/13 (and)

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