

**imran Vs. the State of Madhya Pradesh**

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**SooperKanoon Citation :** [sooperkanoon.com/1093421](http://sooperkanoon.com/1093421)

**Court :** Madhya Pradesh

**Decided On :** Oct-10-2013

**Appellant :** imran

**Respondent :** The State of Madhya Pradesh

**Advocate for Pet/Ap. :** Shri. Z.M.Shah

**Judgement :**

Cr.R.No.2075/2013 10.10.2013 Shri Z.M.Shah, learned counsel for petitioners. Shri Yogesh Dhande, learned Panel Lawyer for the respondent/State.

With consent, the matter is heard finally.

This revision petition has been preferred against the judgment dated 30.9.2013 passed by Illrd Additional Sessions Judge, East Nimad, Khandwa in Cr.A.No.141/12 whereby the judgment of the trial Court convicting the petitioners under Sections 325/34 and 323/34 of the Indian Penal Code and sentencing them to undergo R.I. for 2 years and to pay a fine of Rs.1000/- each and R.I. for three months and to pay a fine of Rs.1,000/- respectively, was affirmed.

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

According to him, the petitioners are in jail since 30.9.2013.

In response, learned Government Advocate submitted that the conviction was well merited and the impugned judgment did not warrant interference.

Taking into consideration facts and circumstances of the case including the fact that petitioners have no criminal antecedents, interests of justice would be met if the terms of custodial sentences are suitably reduced with appropriate enhancement in fine sentences.

In view of the aforesaid, impugned convictions are maintained.

However, for each of the petitioners the impugned term of custodial sentence under Section 325/34 of the IPC is reduced to three months and fine amount is enhanced to Rs.2000/-, whereas for the offence under Section 323/34 of the I.P.C.(on two counts) the custodial sentence is reduced to one month and the fine amount is enhanced to Rs.1000/-.

The order with regard to the distribution of compensation is maintained.

It is further directed that the custodial sentences of all the petitioners shall run concurrently.

In the result, the revision stands allowed in part.

Copy of the order be sent to the trial Court for information and compliance.

(B.D.RATHI) JUDGE P/

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