

**The State of Madhya Pradesh Vs. Rameshwar Dubey Judgement Given By:  
Hon'ble Shri Justice N.K. Gupta**

**The State of Madhya Pradesh Vs. Rameshwar Dubey Judgement Given By:  
Hon'ble Shri Justice N.K. Gupta**

**SooperKanoon Citation : [sooperkanoon.com/1120018](http://sooperkanoon.com/1120018)**

**Court : Madhya Pradesh**

**Decided On : Jan-16-2014**

**Appellant : The State of Madhya Pradesh**

**Respondent : Rameshwar Dubey Judgement Given By: Hon'ble Shri Justice N.K. Gupta**

**Judgement :**

CRR No.1512/2012 Criminal Revision No.1512/2012 16.1.2014 Shri S.K.Kashyap,  
Public Prosecutor for the State/applicant.

Heard on admission.

The respondents were convicted for the offence punishable under section 325 read with section 34 34 of IPC and sentenced for one year's rigorous imprisonment with fine of Rs.1,000/- vide judgment dated 28.9.2011 passed by the learned JMFC, Sehore in criminal case No.617/2008.

In criminal appeal No.251/2011, the learned Additional Sessions Judge, Sehore vide judgment dated 13.6.2012 maintained the conviction but, reduced the sentence till rising the Court with fine of Rs.2,000/-.

The facts of the case, in short, are that, on 23.6.2008, a quarrel took place between the victim Omprakash and the respondents.

Quarrel took place due to a dispute of property and it is alleged that the respondents assaulted the victim by sticks, causing a fracture in his arm.

After considering the submissions made by the learned G.A. for the State, it appears that the respondents should have been convicted for the offence punishable under section 335 of IPC because the quarrel started on the basis of sudden CRR No.1512/2012 and grave provocation of the complainant.

However, since the learned appellate Court maintained the conviction under section 325 of IPC and therefore, he reduced the sentence.

Looking to the facts and circumstances of the case, it cannot be said that the learned Additional Sessions Judge has reduced the sentence without any basis.

Looking to the facts and circumstances, sentence directed against the respondents cannot be enhanced.

No appeal or revision has been filed by the respondents and therefore, their conviction cannot be altered to offence punishable under section 335 of IPC.

However, if the respondents would have been convicted for the offence punishable under section 335 of IPC then, certainly sentence directed against the respondents would be appropriate.

The respondents were the fiRs. offenders and the quarrel took place in a spur of moment.

It was started by the complainant.

Under such circumstances, sentence directed by the appellate Court appears to be appropriate.

There is no reason by which any interference can be done by this Court by way of revision in the impugned order.

Consequently, the revision filed by the State is hereby dismissed.

CRR No.1512/2012 A copy of the order be sent to both the Courts below alongwith their records for information.

(N.K.GUPTA) JUDGE Pushpendra

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**