

Narvada and ors. Vs. State of M.P.

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Court : Madhya Pradesh

Decided On : May-07-2002

Reported in : 2003(2)MPHT335

Judge : Uma Nath Singh, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 147, 149 and 325

Appeal No. : Criminal Revision No. 1016/96

Appellant : Narvada and ors.

Respondent : State of M.P.

Advocate for Def. : Chanchal Sharma, Panel Lawyer

Advocate for Pet/Ap. : N.C. Beohar, Adv.

Disposition : Revision dismissed

Judgement :

ORDER

Uma Nath Singh, J.

1. This criminal revision impugns the judgment and order dated 24-10-96 passed by the learned Sessions Judge, Rewa in Criminal Appeal No. 8/95, whereby the order of conviction and sentence recorded by the learned Judicial Magistrate, First

Class, Rewa in Criminal Case No. 71/91, dated 15-2-95 has been affirmed.

2. The prosecution case in brief is that complainant Rudreshwar Prasad was waylaid on 10-9-90 by the accused/applicants and was inflicted injuries with blunt objects. The Trial Court on a proper appreciation of evidence led by both the sides relied on the evidence of S.K. Pathak (P.W. 3) and Dr. D.S. Kapoor (P.W. 6) and held the accused/applicants guilty of offences under Sections 147, 325 and 149 of IPC and sentenced them to the period of six months' R.I. under Section 147, IPC and one year R.I. with a fine of Rs. 200/- each under Section 325/149, IPC. In appeal the learned First Additional Sessions Judge did not find any infirmity with the findings of the learned Judicial Magistrate, and therefore, maintained the order of conviction and sentence as above.

3. Heard Shri N.C. Beohar, learned Counsel for the applicants and Smt. Chanchal Sharma, learned Panel Lawyer for the State and perused the records.

4. On a due consideration of rival submissions and perusal of the records, I do not find any patent illegality, leading to miscarriage of justice which need interference by this Court in revision. Accordingly, the order of conviction based on concurrent findings of facts are hereby affirmed. However, looking to the submissions of Shri Beohar, learned Counsel, that each of the accused/applicants has suffered about five months of jail sentence and that the fine amount has already been deposited, it would be expedient in the interest of justice to release the accused/applicants on the sentence, being more than four months, which has already been suffered by them. This Court in the case of Havaladar Singh v. State of M.P. (1995 (I) MPWN [Note 194] page 275) had taken a lenient view and had directed the release of the accused/applicants on the sentence already undergone.

5. Accordingly, the jail sentences of six months R.I. under Section 147, IPC and one year R.I. under Section 325 read with Section 149, IPC are hereby reduced to the period already suffered by each of the accused/applicants. As the applicants are on bail in terms of the order dated 31-10-96, their bail bonds shall stand discharged.

6. The criminal revision is hereby dismissed with the aforesaid modification on the quantum of sentence.

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