

HIGH COURT OF MADHYA PRADESH JABALPUR

SINGLE BENCH:

Hon'ble Shri Justice A.K. Shrivastava

CRIMINAL REVISION No. 1506/2009

.....Applicant: Hari Singh s/o Moolchand Rajput,
Occupation-Labour, R/o village
Sarkhera, P.S. Gourjhamar, Tehsil
Deori, District Sagar (M.P.)

Versus

.....Non-applicant: State of Madhya Pradesh
through Police Station Gourjhamar,
District Sagar (M.P.)

Shri Pramod Singh Tomar, Advocate for the applicant.

Shri Sameer Chile, Public Prosecutor for the respondent/
State.

ORDER

(Delivered on this 30th day of April, 2012)

This revision application has been filed by the applicant assailing the judgment of conviction and order of sentence dated 30.6.2009 passed by learned Judicial Magistrate, First Class, Deori in Criminal Case No.921/2008 which has been affirmed by learned Sessions Judge, Sagar in Criminal Appeal No.222/2009 vide judgment dated 31.8.2009.

2. The only contention of the learned counsel for the

applicant is that he is not pressing the revision on merit but is pressing this revision only on the quantum of sentence. The contention of the learned counsel for the applicant is that the applicant has been convicted for the offence punishable under Section 392 of the IPC and thereby sentenced to suffer R.I. for one year and fine of Rs.3000/-; in default of payment of fine further R.I. for three months. Learned counsel submits that the applicant has already suffered Jail sentence of near about three months and this has also been so mentioned in the bail order dated 22.9.2009.

3. Looking to the totality of the facts and circumstances and period of custody, the prayer is accepted and the applicant is released for the period he had already undergone, however, amount of fine is enhanced from Rs.3000/- to Rs.5000/-. Let enhanced amount of fine Rs.2000/- be deposited on or before 28.6.2012. Let the enhanced amount of fine Rs.2000/- and amount of fine Rs.3000/- as already directed by learned Trial Court, in total Rs.5000/- be paid to the complainant Gulab Bai w/o Tejram Adiwasi R/o Kesali, Police Station Gourjhamar, Tehsil Deori, District Sagar (who was examined as PW-7 in the Trial Court) towards compensation under Section 357 Cr.P.C. The learned Trial Court is hereby directed to do the needful and pay Rs.5,000/- towards compensation to complainant Gulab Bai.

4. The Registry is hereby directed to send the record

posthaste so as to reach the learned Trial Court much prior to 28.6.2012.

5. Resultantly, this revision application succeeds in part. The conviction of appellant under Section 392 IPC is hereby affirmed, however, sentence is modified as mentioned herein-above. The applicant is on bail, however, his bail bonds shall stand discharged only after applicant deposits the balance amount of compensation of Rs.2000/- on or before the date mentioned herein-above, failing which he shall undergo the Jail sentence of six months R.I. If he deposits the balance amount of compensation his bail bonds shall stand discharged. In case, applicant fails to deposit the balance amount of compensation or fails to appear on 28.6.2012, the learned Trial Court shall send him to Jail and shall send the report to the Registry of this Court. The learned Trial Court in that situation shall issue show cause notice to his surety and shall be free to pass necessary orders in accordance to the law against him.

(A.K. Shrivastava)
Judge
30-04-2012.

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