

**IN THE HIGH COURT OF MADHYA PRADESH, JABALPUR**

**SINGLE BENCH : HON'BLE MR. JUSTICE N.K.GUPTA, J.**

**Criminal Revision No.350/2013**

Lal Chand Marar

**VERSUS**

State of Madhya Pradesh

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Shri Rahul Tripathi, counsel for the applicant.

Shri R.N.Yadav, Panel Lawyer for the State/respondent.  
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**O R D E R**

(Passed on the 30<sup>th</sup> day of November, 2013)

The applicant has preferred the present revision against the judgment dated 15.2.2013 passed by the learned First Additional Sessions Judge, Balaghat in criminal appeal No.160/2012, whereby the applicant was convicted for the offence punishable under sections 325 read with section 34 and 294 of IPC and sentenced for 6 months' rigorous imprisonment with fine of Rs.1,000/- and fine of Rs.500/- respectively. In that appeal, judgment dated 18.5.2012 passed by the learned JMFC, Balaghat in criminal case No.2339/2010 was dealt with.

**2.** The prosecution's case, in short, is that, on 18.11.2010, at about 8 p.m. in the evening, the applicant twisted the left hand of the victim Pancho Bai at village

Ameda, Police Station Bharveli, District Balaghat and caused a fracture. He also abused her with obscene words at public place.

**3.** The learned JMFC, Balaghat concluded the trial by convicting the applicant for offence punishable under sections 325 read with section 34 and 294 of IPC and sentenced for 6 months' rigorous imprisonment with fine of Rs.1,000/- and fine of Rs.500/-.

**4.** I have heard the learned counsel for the parties.

**5.** After considering the evidence given by the victim Pancho Bai (P.W.2), Bhojlal (P.W.1), Rajesh (P.W.3) and Baliram (P.W.4) alongwith medical report, *Ex.P/4* proved by Dr.R.K.Verma (P.W.7) and x-ray report, *Ex.P/2* proved by Dr.D.K.Raut (P.W.6), it would be apparent that the applicant had voluntarily caused grievous injury to the victim Pancho Bai and also abused her at public place by obscene words. Under such circumstances, there is no basis by which any interference can be done in the concurrent findings of both the Courts below relating to conviction. Hence, no interference can be done in the conviction directed by both the Courts below.

**6.** So far as the sentence is concerned, it would be apparent that the victim was an old person and her bones were turned brittle. The applicant twisted her hand in a

quarrel. The applicant is the first offender, who remained in the custody for approximately more than 7 weeks. Under such circumstances, looking to his overt-act etc., it is not necessary to send him to the jail again. However, fine amount may be enhanced.

**7.** On the basis of the aforesaid discussion, the revision filed by the applicant Lal Chand Marar is hereby partly allowed. Conviction directed against the applicant for offence punishable under section 325 read with section 34 and 294 of IPC is hereby maintained but, sentence is reduced to the period, which he has already undergone in the custody. However, fine for offence punishable under section 325 read with section 34 of IPC is enhanced from a sum of Rs.1,000/- to a sum of Rs.10,000/-, whereas there is no change in the fine amount for offence punishable under section 294 of IPC. The applicant is directed to deposit the remaining fine amount before the trial Court within two months from today, failing which he shall undergo for 6 months rigorous imprisonment. If fine is deposited then, a sum of Rs.7,000/- be provided to the victim Pancho Bai W/o Buddhu R/o Village Bori, Police Station Navegaon, District Balaghat, by way of a compensation.

**8.** A copy of the order be sent to both the Courts below along with their records for information and

compliance. Attention of the trial Court is invited to the provisions of section 68 of IPC that if fine amount is not deposited within the stipulated period then, the applicant shall be arrested for execution of default sentence and as and when fine amount is deposited, he shall be released.

**(N.K.GUPTA)**  
**JUDGE**  
30/11/2013

*Pushpendra*