

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 4 of 2009**

1. Laxmikant Sahu, S/o Shri Jhumuklal Sahu, Aged About 44 Years, Occupation: Advocate, R/o Village Sorid ward, Dhamtari, Tahsil & District- Dhamtari C.G.
2. Jhumuklal Sahu, S/o Late Chunuram Sahu, Aged About 67 Years, Occupation: Retired Teacher, R/o Village Sorid ward, Dhamtari, Tahsil & District- Dhamtari C.G.
3. Vedprakash Sahu, S/o Jhumuklal Sahu, Aged About 40 Years, Occupation: Business, R/o Village Sorid ward, Dhamtari, Tahsil & District- Dhamtari C.G.

---- Applicants**Versus**

- State of Chhattisgarh, Through : Station House Officer, Police Station: Gurur, District- Durg C.G.

---- Respondent

For Applicants	:	Mr. Pritam Tiwari, Advocate
For Respondent/State	:	Mr. Anil Tripathi, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****30.09.2019**

1. The present revision arises out of the impugned judgment of conviction and order of sentence dated 30/12/2008 passed by Additional Sessions Judge (F.T.C.) Balod, District- Durg in Cr. Appeal No. 5/2007 whereby, appellate Court below while modifying the vide judgment dated 15/12/2006 has convicted them for the offence 498 A of IPC and sentencing them to undergo RI for six months each with fine of Rs. 1000/- each and for the offence under Section 4 of Dowry Prohibition Act sentencing them to undergo RI for Six months and fine of Rs. 1000/- with default stipulation as awarded by the learned Judicial Magistrate First Class, Balod vide its judgment dated 15/12/2006 in Criminal Case No. 1365/2005 for the offence under Section 498 A of IPC sentencing them to undergo RI for one year each with fine of Rs. 1000/- each and for the offence under Section 4 of Dowry Prohibition

Act sentencing them to undergo RI for Six months and fine of Rs. 1000/- with default stipulation.

2. Brief facts of the case are that, the marriage between complainant and applicant No. 1 was solemnized on 02.05.2001, it is allegation that after marriage, the applicant No. 1/ husband started demand of dowry and other applicants along with his mother and sister also made cruel treatment with the complainant for demand of dowry. Thereafter, on 28.01.2002 she started living at her parental house at village Dhaneri. On 30.01.2002, the applicants visited at school where the complainant was doing the job of teacher and they forcefully dragged the complainant in a Maruti Van under threat and thereafter they carried her to the Bank at village Gurur and compelled her to withdraw money and after that they left her. On this report, offence has been registered against the applicants. After completion of investigation, charge-sheet was filed and charges were framed against the applicant under Section 498 (A) of IPC & under Section 4 of Dowry Prohibition Act by the trial Court.

3. So as to hold the accused/applicants guilty, the prosecution has examined as many as 09 witnesses. Statement of the accused/applicants was also recorded under Section 313 of the Cr.P.C. in which they denied the charges leveled against them and pleaded innocence and false implication in the case.

4. After hearing the parties, vide judgment of conviction and order of sentence dated 15/12/2006, learned Judicial Magistrate has convicted and sentenced the applicants for the offence under Section 498 A of IPC sentencing them to undergo RI for one year each with fine of Rs. 1000/- each and for the offence under Section 4 of Dowry Prohibition Act sentencing them to undergo RI for Six months and fine of Rs. 1000/- each with default stipulation. This order was appealed by the applicants and in the appeal, learned Appellate Court has modified the order given by the trial Court and convicted them for the offence 498 A of IPC sentencing him to undergo RI for six months each with fine of Rs. 1000/- each and for the offence under Section 4 of Dowry

Prohibition Act sentencing him to undergo RI for Six months and fine of Rs. 1000/- with default stipulation. Hence, the present revision.

5. Heard learned counsel for the parties and perused the material on record including the impugned judgment.

6. Counsel for the applicant submits that he is not pressing the revision so far as it relates to the conviction part of the judgment and would confine his argument to the sentence part thereof only. According to him, the incident is said to have taken place in the year 2001, and thereby nearly 19 years have rolled by since then. The applicants have already remained in jail for more than 10 days, and no useful purpose would be served in again sending them to jail. Therefore, in the interest of justice, it would be appropriate, if the sentence imposed upon them may be reduced to the period already undergone by them.

7. Learned counsel for the State has no objection to this proposition.

8. Having gone through the material on record and the evidence of the witnesses Hemant Kumar (PW-1), Pilaram (PW-2), Sita Ram Sahu (PW-3), Tulsiram (PW-4), Neelam Sahu/complainant (PW-5), Lakhanlal Sahu (PW-6), Sunderlal Sahu (PW-7), Urmila Bai (PW-8), and Smt. Beena Sahgal (PW-9), established the involvement of the accused/applicants in the crime in question beyond reasonable doubt. This Court does not see any illegality in the findings recorded by appellate Court below as regards conviction of the applicants under Sections 498 A of IPC and 4 of Dowry Prohibition Act.

9. As regards sentence, keeping in view the facts that incident had taken place in the year 2001, and further that the applicants had already remained in jail for more than 10 days, therefore, his sentence is liable to be reduced to the period already undergone by them.

10. In view of the above consideration, the revision is partly allowed. While maintaining the conviction of the applicants, they are sentenced to the period already undergone by them. The applicants are reported

to be on bail. Their bail bonds shall stand discharged.

11. The criminal revision thus allowed in part.

**Sd/-
(Rajani Dubey)
JUDGE**

Ruchi