

**The High Court of Madhya Pradesh**  
**CRA.205/2012**  
**(Bablu @ Jugal Kishore Dhimar vs. State of M.P.)**

1

**Gwalior, dated 29.06.2019**

Shri Vinay Kumar, learned counsel for the appellant.

Shri Kshitiz Sharma, learned Public Prosecutor for the respondent/State.

This criminal appeal is preferred under Section 374 (2) of the CrPC being aggrieved by the impugned judgment dated 31/1/2012 passed by the Special Judge, MPDVPK Act, Bhandar, Datia in Special Sessions Case No.05/2011 by which the appellant has been convicted under Section 394 of the IPC read with Section 13 of the MPDVPK Act and has been sentenced to undergo rigorous imprisonment of 7 years and fine of Rs.500/- with default stipulation.

2. The prosecution story in short are that on 31/10/2010 at around 10:30 am, complainant Sitabai was washing her hand at the public hand pump situated at Boharyan Mohalla, Bhandar. The appellant came there and looted the earrings of the complainant worth Rs.5,000/-. The FIR about the incident was registered, investigation was done by the Investigating Officer and charge-sheet was filed. The learned Trial Court framed the charges and after conclusion of trial, convicted and sentenced the appellant as stated herein above.

**The High Court of Madhya Pradesh**  
**CRA.205/2012**  
**(Bablu @ Jugal Kishore Dhimar vs. State of M.P.)**

2

3. Learned counsel for the appellant argued and submitted that the appellant has been convicted illegally while he has not committed any offence. Learned counsel further submits that the Court below has committed error in not properly appreciating the evidence and, therefore, the impugned judgment is liable to be set aside.

4. Learned counsel for the State submits that after due appreciation of the evidence, the Court below has found the appellant guilty of the offence, therefore, no interference is called for in the finding of conviction recorded by the Court below.

5. The record of the case goes to show that the appellant was convicted and sentenced to seven years R.I. The judgment was passed on 31/1/2012 and since then the appellant is in custody till date. It is further pertinent to note that as per certificate of the trial Court under Section 428 of CrPC, the appellant had remained in jail for a period of one year and three months during trial. Thus, it is clear that the appellant has completed his jail sentence and he is still in jail.

6. In this view of the matter, no fruitful purpose would be served to discuss the evidence. This appeal is dismissed in the

**The High Court of Madhya Pradesh**  
**CRA.205/2012**  
**(Bablu @ Jugal Kishore Dhimar vs. State of M.P.)**

3

facts and circumstances of the case.

7. The appellant is in jail, he be released forthwith if not required in any other crime.

**(Rajeev Kumar Shrivastava)**  
**Judge**

**AKS**



ALOK KUMAR  
2019.07.15  
17:05:59  
+05'30'