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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE**

HON'BLE SHRI JUSTICE RAJENDRA KUMAR VANI

ON THE 29th OF DECEMBER, 2023

CRIMINAL APPEAL No. 5558 of 2017

BETWEEN:-

1. **NEERAJ SILAVAT S/O SHRI GUTTI LAL SILAVAT,
AGED ABOUT 30 YEARS, R/O VILLAGE PAIRVARA,
POLICE STATION KOTVALI, DISTRICT VIDISHA
(MADHYA PRADESH)**
2. **LAXMAN SILAVAT S/O SHRI GUTTI LAL SILAVAT,
AGED ABOUT 27 YEARS, R/O VILLAGE PAIRVARA,
POLICE STATION KOTVALI, DISTRICT VIDISHA
(MADHYA PRADESH)**
3. **BHARAT SINGH SILAVAT S/O SHRI GUTTI LAL
SILAVAT, AGED ABOUT 37 YEARS, R/O VILLAGE
PAIRVARA, POLICE STATION KOTVALI, DISTRICT
VIDISHA (MADHYA PRADESH)**
4. **KHARE SILAVAT S/O SHRI GUTTI LAL SILAVAT,
AGED ABOUT 35 YEARS, R/O VILLAGE PAIRVARA,
POLICE STATION KOTVALI, DISTRICT VIDISHA
(MADHYA PRADESH)**

.....APPELLANTS

(BY SHRI B.K. TYAGI - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH POLICE STATION
KOTVALI, DISTRICT VIDISHA (MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI GIRRAJ SONI - PUBLIC PROSECUTOR)

*This appeal coming on for hearing this day, the court passed the
following:*

ORDER

This appeal has been filed by the appellants under Section 374 (2) of

Cr.P.C. being aggrieved by the judgment dated 31.10.2017 passed by IVth Additional Sessions Judge, Vidisha, District Vidisha in Session Trial No.31/2010 whereby the appellants has been convicted under Section 323 (on two counts) of the I.P.C and sentenced to undergo four months rigorous imprisonment with fine of Rs.100/- on each count with default stipulation.

2 Learned counsel for the appellants/accused submitted that he does not wish to challenge the conviction of the appellants for the aforesaid offence. As regards sentence, it is submitted by learned counsel for the appellants that appellants have suffered 4 days jail sentence and they have been facing agony of trial since 2009 for a period of near about 14 years. Therefore, it is prayed that sentence of the appellants may be reduced to the period already undergone while enhancing the fine amount suitably.

3. Learned counsel for the State supported the impugned judgment but he has no objection on deciding the appeal on the point of sentence.

4. Heard the learned counsel for the parties and perused the record.

5. After hearing learned counsel for both the parties and on perusal of the record, it is found that trial Court has rightly appreciated the evidence on record and rightly convicted the appellants under Section 323(on two counts) of the I.P.C. hence, conviction of the appellants under Section 323 (on two counts) of the I.P.C. needs no interference.

6. As regards sentence, looking to the facts and circumstances of the case and evidence on record, in the considered opinion of this Court, ends of justice would meet if while reducing the jail sentence of the appellants to the period already undergone by them, the fine be enhanced to Rs.1000/- under Section 323 (on two counts) of the I.P.C. each. Accordingly, while affirming the conviction of the appellants under Section 323 (on two counts) of the I.P.C.

jail sentence of the appellants is reduced to the period already undergone by them and fine amount is enhanced to Rs.1000/- under Section 323(on two counts) of the I.P.C. each which shall be deposited by them within a period of two months from today, failing which the appellants will have to suffer the sentence as awarded by the trial Court. The fine amount if any, already deposited by the appellants be adjusted against the aforesaid amount of fine. The entire amount of fine deposited by the appellants be paid to the complainant/injured as compensation under Section 357 of Cr.P.C.

7. With the aforesaid, the appeal stands disposed of.

Ahmad



(RAJENDRA KUMAR VANI)
JUDGE