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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE PREM NARAYAN SINGH**

ON THE 31st OF OCTOBER, 2023

CRIMINAL REVISION No. 1215 of 2022

BETWEEN:-

**RAHUL KUMAR @ RAGHU S/O KAILASHANARAYAN
KHATI, AGED ABOUT 27 YEARS, OCCUPATION:
AGRICULTURIST VILLAGE MOHAMMADPUR
MACHHNAL, TEHSIL AND POLICE STATION KALAPIPAL
(MADHYA PRADESH)**

.....PETITIONER

**(Shri MANISH KUMAR VIJAYWARGIYA, LEARNED COUNSEL FOR THE
PETITIONER).**

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION KALAPIPAL
(MADHYA PRADESH)**

.....RESPONDENTS

**(MS. VINITA DWIVEDI PL APPEARING ON BEHALF OF ADVOCATE
GENERAL).**

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*This revision coming on for direction this day, the court passed the
following:*

ORDER

With consent of the parties heard finally.

1. This criminal revision under Section 397/401 of Cr.P.C. has been filed by the petitioner being aggrieved by the judgment dated 10.03.2022, passed by learned Additional Sessions Judge, Shujalpur, District Shajapur in Criminal Appeal No. 15/2022, whereby learned Court partly allowed the order dated 09.02.2022, passed by the learned JMFC, Shujalpur, District Shajapur, in Criminal Case No. 651/2015 and convicted the petitioner for the offence

punishable under Section 279,337 and 338 of IPC and sentenced to undergo RI for 2 months, 2 months and 3 months with fine of Rs. 500/-, 500/- and 25,000/- respectively, with default stipulations.

2. The petitioner has preferred this criminal revision on several grounds but during the course of arguments, learned counsel for the petitioner did not press this revision on merits and nor assailed the finding part of judgment. He confines his argument on the point of sentence only and prays that since the petitioner has already undergone approximately one month and 12 days jail incarceration out of 3 onths, his sentence be reduced to the period already undergone. It is further submitted that the petitioner deserves some leniency as he has already suffered the ordeal of the trial since 2015 i.e. for a period of 8 years. It is further submitted that this petition be partly allowed and the sentence awarded to the petitioner be reduced to the period already undergone.

3. Learned counsel for the State on the other hand supports the impugned judgment and prays for dismissal of this revision.

4. Having considered the rival submissions and on perusal of the record, the submission of the learned counsel for the petitioner appears to be just and proper.

5. However, the learned trial Court as well as the learned Appellate Court has not committed any error in appreciation of evidence available on record. **Further, it is found that both the courts below considered the evidence available on record and correctly found that the case of the prosecution is well supported by the witnesses.** Both the Courts below have well considered the material available on record, hence, no infirmity is found in the impugned order of conviction passed by the Courts below, accordingly, the

same is upheld.

6. So far as the sentence of the petitioner is concerned, after the lapse of almost 8 years, the submissions made by the petitioner regarding undergone appears to be just and proper. The petitioner has suffered the ordeal of criminal case since 2015, this Court finds it expedient to partly allow this revision petition by affirming the conviction of the petitioner.

7. Accordingly, this revision petition is partly allowed and the sentence awarded to the petitioner is hereby reduced to the sentence already undergone under Sections 338, 337 and 279 of IPC and in this sequence, the fine amount/compensation amount imposed by learned Appellate Court is hereby affirmed.

8. The amount of fine amount/compensation amount to be deposited by the petitioner within a period one month from today, if not deposited.

9. A copy of this order be sent to the concerned trial Court for necessary compliance.

Certified copy as per rules.

(PREM NARAYAN SINGH)
JUDGE

VD