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

**BEFORE  
HON'BLE SHRI JUSTICE VIVEK JAIN  
ON THE 29<sup>th</sup> OF DECEMBER, 2023  
CRIMINAL APPEAL No. 1666 of 2001**

**BETWEEN:-**

**BALWANT SINGH S/O TEJBHAN SINGH, AGED ABOUT 35  
YEARS, BY OCCUPATION CULTIVATOR, R/O VILLAGE  
SOMGAON, POLICE STATION BALDI, TAHSIL  
HARSHOOD, DISTRICT KHANDWA (MADHYA PRADESH)**

**.....APPELLANT**

***(NONE FOR THE APPELLANT)***

**AND**

**THE STATE OF M.P. (MADHYA PRADESH)**

**.....RESPONDENTS**

***(BY SHRI AATMARAM BAIN - DY. GOVERNMENT ADVOCATE)***

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

**JUDGMENT**

The present appeal has been filed against the judgment of conviction dated 20.09.2001, whereby the present appellant has been convicted for offence under Section 324 of the I.P.C. and sentenced to undergo R.I. for six months with fine Rs.2000/-, with default stipulation.

2 . The prosecution story in brief is that the incident occurred on 21.04.1999 at about 10 pm in the night, when the appellant stopped the complainant and abused him relating to some Panchayat politics. He assaulted the complainant with *gupti*.

3. The appellant was acquitted by the trial Court for offence under

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Sections 294 and 506 of the I.P.C., but convicted under Section 324 of the I.P.C. There was counter case also.

4. Upon perusal of deposition of Ajay Singh (PW/3), Mahendra (PW/4) and Krishna Bai (PW/5) and other witnesses finding of the trial Court seems to be well reasoned and impeccable and I am unable to disturb the findings in appeal.

5. The sentence needs to be modified looking to the mitigating circumstances of the case. The appellant was 35 years of age at the time of incident and today he must be almost 59 years of age. The appellant was on bail during investigation and trial and he is on suspension of sentence during the pendency of present appeal. There is nothing on record to suggest that he has misused the terms of bail during all these years. He has been facing investigation and trial and is also contesting the present appeal since last about 22 years.

6. Considering the aforesaid mitigating circumstances, I deem it fit to reduce the jail sentence for one day imprisonment with fine of Rs.7500/-. He shall surrender before the trial Court himself and undergo one day imprisonment till rising of the Court.

7. Let the fine amount be paid within three months from today failing which sentence originally awarded by the trial Court would come into force and the appellant will be taken into custody to serve out the remaining jail sentence.

8. Let record of the trial court be sent back along with copy of this order for information and necessary action. Bail bonds of the appellant be discharged.

**(VIVEK JAIN)**  
**JUDGE**

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