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

**BEFORE
HON'BLE SHRI JUSTICE DEVNARAYAN MISHRA**

ON THE 29th OF DECEMBER, 2023

CRIMINAL APPEAL No. 7544 of 2022

BETWEEN:-

**VIKRAM PRATAP SINGH @ VICKY S/O SHRI PRAHLAD
SINGH, AGED ABOUT 36 YEARS, OCCUPATION: PRIVATE
WORK RESIDENCE OF CAMP UMARIA DISTRICT
UMARIA (M.P.) (MADHYA PRADESH)**

.....APPELLANT

(MR. BHOOP SINGH PATEL - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION UMARIA DISTRICT UMARIA M.P. (MADHYA
PRADESH)**

.....RESPONDENT

(MR. SANDEEP KUMAR DUBEY - PANEL LAWYER)

CRIMINAL APPEAL No. 7108 of 2022

BETWEEN:-

**HEMANT TIWARI S/O RATAN TIWARI, AGED ABOUT 37
YEARS, OCCUPATION: JOURNALIST R/O NEW BLOCK
DAFAI, BIRSINGHPUR PALI, DISTRICT UMARIA (M.P.)
(MADHYA PRADESH)**

.....APPELLANT

(MR. SANJAY KUSHWAHA - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION UMARIYA DISTRICT UMARIA (M.P.) (MADHYA
PRADESH)**

.....RESPONDENT

These both the appeals are arising out of same judgment hence both the appeals coming for hearing this day, the court passed the following:

ORDER

The appellants have filed the appeal being aggrieved by the judgment and finding dated 10.08.2012 passed by Sessions Judge Umariya in S.T.No.6/2017 by which the appellant- Hemant Tiwari have been convicted for offence 341 (2 counts) and appellant - Vikram Pratap Singh have been convicted for punishable under Section 323 (2 counts) and sentenced to undergo three months, S.I (2 counts) and fine amount Rs.1,000/- & Rs.1,000/- for each (count).

2. Basic facts before the trial Court was that the appellants after making common intention restrained complainant and caused injuries to him and also threatened them on report P.S Umariya, has registered Crime No.328/2016 under Section 323, 307 read with 34 of IPC and under Section 25 of the Arms Act.

3. After trial, the Court has acquitted the appellants from the rest of the charges but has convicted the appellant Hemant Tiwari, for offence 341 and 323 (2 counts) Vikram Pratap Singh for 323 (2 counts).

4. Learned counsel for the appellants have argued that the appellants have already suffered jail sentence for 1 months and 7 days, and the offence i.e. proved is only causing the simple injury, no purpose would be served by the sending the appellants to the custody.

5. Learned counsel appearing for the respondent/State has argued that if the conviction is maintained and the fine amount is enhanced he has no objection in reducing the jail sentence.

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

7. In this case there are two injured namely, Purushottam Tiwari and his Wife Sadhna Tiwari, this incident the Purushottam Tiwari has suffered five injuries and Sadhna Tiwari has sustained one injury, looking to the facts and circumstances and the evidence on record, the conviction of the appellant-Hemant Tiwari under Section 341 & 323 (2 counts) and appellant - Vikram Pratap Singh under Section 323 for (2 counts) is maintained.

8. As per record of the trial Court appellant Hemant Tiwari was in custody from 30.06.2016 to 05.08.2016 and on 03.03.2022. Appellant - Vikram Pratap Singh was also in custody on 07.09.2016 and on 03.03.2022. Looking to the short sentence the jail sentence of the appellant - Hemant Tiwari under Section 323 is reduced the period already undergone in the same way the jail sentence of the Vikram Pratap Singh @ Vikki under Section 323 (on 2 counts) is reduced to the period already undergone.

9. The trial Court has imposed maximum fine hence no amendment in the fine amount, in default of depositing the fine amount the appellant shall serve the jail sentence as order by the trial Court. The appellants shall deposit the fine amount if not deposited, before the trial Court. The order of the trial Court regarding seized property is maintained. The order of trial Court regarding the compensation is maintained.

10. Consequently, the appeals are partly allowed.

11. The order of the trial Court regarding the seized property is maintained.

12. Record of the trial Court be sent back immediately along with a copy of this judgment for information and necessary action.

(DEVNARAYAN MISHRA)
JUDGE

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