
(2013) 10 MP CK 0162

In the Madhya Pradesh High Court

Case No : Criminal Revision No. 1775 of 2013

Jaheer Kasai and two Others

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 09-10-2013

Acts Referred:

Citation : (2013) 10 MP CK 0162

Hon'ble Judges : B.D. Rathi, J

Bench : Single Bench

Advocate : Himanshu Chourasia, for the Appellant; Yogesh Dhande, Govt. Advocate, for the Respondent

Final Decision : Partly Allowed

Judgement

B.D. Rathi, J.—This revision petition has been preferred against the judgment dated 27/8/2013 passed by X Additional Sessions Judge, Bhopal in Cr.A. No. 376/2011 whereby the judgment dated 18.7.2011 passed by Judicial Magistrate First Class, Bhopal in Criminal Case No. 10762/2006 convicting the petitioners u/s 4 /9 of the M.P. Govansh Vadh Pratishedh Adhiniyam, 2004 and sentencing him to undergo S.I. for six months and to pay a fine of Rs. 500/- each, was affirmed. Prosecution case, in brief, is that on 07/11/2006 the petitioners were found involved in slaughtering a cow in a room.

2. At the outset, learned counsel for the petitioner submitted that he does not want to challenge the conviction awarded to the petitioners. However, he prayed that the custodial sentence passed against the petitioners may be reduced to the period already undergone. According to him, the petitioners are in jail since 27/8/13.

3. In response, learned Government Advocate while making reference to the incriminating pieces of evidence on record, submitted that the conviction was well merited and the impugned judgment did not warrant interference.

4. Having regard to the arguments advanced by the parties, perused the

judgments of the Courts below.

5. As the conviction is not under challenge, advertng to the question of sentence, it is apparent from the record that the incident took place, as early as, in the year 2006 and since then the petitioners have faced the prosecution and suffered the ordeal of trial and appeal for a considerable period of more than six years. Taking into consideration facts and circumstances of the case including the fact that petitioners have no criminal antecedents, interests of justice would be met if the term of custodial sentence is reduced to three months and fine amount is enhanced to Rs. 5000/-.

6. In view of the aforesaid, impugned conviction is maintained. However, for each of the petitioners, the impugned term of custodial sentence is reduced to a period of 3 months while the fine amount is enhanced to Rs. 5000/- (Rupees five thousand only).

7. In the result, the revision stands allowed in part. Copy of the judgment be sent to the trial Court for information and compliance.