
(2013) 10 MP CK 0159

In the Madhya Pradesh High Court

Case No : Criminal Revision No. 1811 of 2013

Narendra Ghoshi and Another

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 09-10-2013

Acts Referred:

Citation : (2013) 10 MP CK 0159

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

Bench : Single Bench

Advocate : R.S. Patel, for the Appellant; S.K. Kashyap, Govt. Advocate, for the Respondent

Final Decision : Partly Allowed

Judgement

B.D. Rathi, J.—This revision petition has been preferred against the judgment dated 5/9/2013 passed by Sessions Judge, Tikamgarh in Cr.A. Nos. 398/2012 and 405/2012 whereby the judgment dated 21/11/2012 passed by Judicial Magistrate First Class, District Tikamgarh, in Criminal Case No. 1862/2011 convicting the petitioners under Sections 325/34 and 323/34 of the IPC and, in view of provision of Section 71 of the IPC, sentencing each one of the petitioners only u/s 325/34 to undergo R.I. for 1 year and to pay a fine of Rs. 750/-, was affirmed. Prosecution case, in brief, is that on 23/9/11 at about 12 noon, petitioners assaulted complainant Dasai Ahirwar with Lathis and caused grievous injuries, upon his shooting their cattle from his agricultural field.

2. At the outset, learned counsel for the petitioners submitted that he does not want to challenge the convictions awarded to the petitioners. However, he prayed that the custodial sentence passed against the petitioners may be reduced to the period already undergone with suitable enhancement in the fine amount. According to him, the petitioners are in jail since 5/9/13.

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 convictions are not under challenge, adverting to the question of sentence, it is apparent from the record that petitioners were aged about 30 years on the date of incident and had no criminal antecedents, therefore, interests of justice would be met if the term of custodial sentence is reduced to a period of three months, while the fine amount is enhanced to Rs. 2000/-.

6. In view of the aforesaid, impugned convictions are maintained. However, for each of the petitioners, the impugned term of custodial sentence is reduced to a period of three months and the fine amount is enhanced to Rs. 2000/- (Rupees two thousand only).

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