
(2013) 12 MP CK 0130
In the Madhya Pradesh High Court
Case No : Criminal R. No. 103 of 2012

Ranjit Singh and Others

APPELLANT

Vs

State of Madhya Pradesh

RESPONDENT

Date of Decision : 16-12-2013

Acts Referred:

Citation : (2013) 12 MP CK 0130

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

Bench : Single Bench

Advocate : Pooran Kulshreshtha, for the Appellant; Nutan Saxena, Public Prosecutor, for the Respondent

Final Decision : Partly Allowed

Judgement

B.D. Rath, J.—Heard on I.A. No. 10903/13, an application for recalling the order dated 26-11-2013 as on 26-11-2013 none was present for the petitioners, therefore, arrest warrants were issued against them. Looking to the averments made in the application (I.A. No. 10903/13), the same is hereby allowed. The order dated 26-11-2013 is hereby recalled.

3. With the consent of parties matter is finally heard.

4. This revision petition has been preferred by the petitioners under Sections 397, 401 of the Code of Criminal Procedure, 1973 (in short "the Code") being aggrieved by the judgment of conviction and sentence dated 02-02-2012 passed by learned Sessions Judge, Morena in Criminal Appeal No. 174/2011 whereby the petitioners have been convicted for the offence punishable under Sections 148 and 325 /149 of IPC and sentenced to undergo 3 months' simple imprisonment and 1 year's rigorous imprisonment with fine of Rs. 500/- respectively each with default stipulation by confirming the judgment of conviction and sentence passed by learned trial Court in Criminal Case No. 22/2006.

5. The prosecution case, in brief, is that on 20-01-2005 at about 5 pm for the election dispute petitioners being member of unlawful assembly armed with

deadly weapon like Bhala, Dhariya, Sariya and Lathi in furtherance of common object had assaulted the injured Bachchu Singh and caused him grievous injuries.

6. To bring home the charge, prosecution has examined as many as 7 witnesses against the petitioners.

7. Learned counsel for the petitioners submitted that he is challenging only the sentence awarded to the petitioners by the trial Court which is too harsh and does not want to press this petition for conviction. It is further submitted that the period undergone by the petitioners is sufficient to meet the ends of justice.

8. On behalf of State, learned Public Prosecutor submitted that the conviction is well merited. It is further submitted that in the interest of justice and looking to the nature of offence appropriate sentence may be passed.

9. Having regard to the arguments advanced by the parties, entire material has been perused.

10. The trial Court after considering the entire material produced by the parties has held that the offences under Sections 148 and 325 /149 of IPC were committed by the petitioners. On perusal of record, I am of the considered view that the finding of conviction is well merited.

11. Considering the nature of offence and the period of ordeal of trial and appeal, the sentence already undergone by the petitioners is sufficient to meet the ends of justice, therefore, petition is partly allowed maintaining the conviction and sentence part is modified in the following manner:

For offence u/s. 148 of IPC

Rs. 500/- as fine payable by each petitioner

For offence u/s. 325 /149 of IPC

Rs. 3500/- as fine payable by each petitioner (in place of Rs. 500/-)

12. Jail sentence awarded to the petitioners is reduced to the period already undergone by each petitioner. The enhanced fine amount shall be paid by the petitioners within three months from today (Fine amount imposed by trial court shall be adjusted, if deposited by the petitioners). In default of payment of enhanced fine amount, petitioners shall suffer one month simple imprisonment. Petitioners are on bail, their bail bonds stand discharged. On depositing of fine amount of Rs. 36,000/- (Rs. Thirty Six Thousand only), Rs. 20,000/- be paid to the injured Bachchu Singh S/o Mahendra Singh as compensation. Copy of this order along with record be sent to the trial Court for information.