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

**BEFORE
HON'BLE SHRI JUSTICE DEEPAK KUMAR AGARWAL**

ON THE 30th OF JANUARY, 2023

CRIMINAL REVISION No. 815 of 2009

BETWEEN:-

1. **RAMSWAROOP S/O BANSHI JATAV , AGED ABOUT 40 YEARS, OCCUPATION: AGRICULTURIST, R/O VILL. ANDHUPURA TEH. VIJAYPUR, DISTT.SHEOPUR (MADHYA PRADESH)**
2. **PRASADI S/O BANSHI JATAV , AGED ABOUT 40 YEARS, OCCUPATION: AGRICULTURIST R/O VILL.ANDHUPURA, TAHSIL VIJAYPUR DISTT.SHEOPUR (MADHYA PRADESH)**

.....PETITIONERS

(BY SHRI ANSHU GUPTA- ADVOCATE)

AND

**STATE OF M.P. THROUGH POLICE STATION VIJAYPUR
DISTT. SHEOPUR (MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI B.M.SHRIVASTAVA- PUBLIC PROSECUTOR FOR THE STATE)

This revision coming on for hearing this day, the court passed the following:

ORDER

This revision has been filed by the petitioners against the judgment dated 12.10.2009 passed by the Sessions Judge, Sheopur, in Criminal Appeal No.60/2008 affirming the judgment dated 27.8.2008 passed by JMFC, Vijaypur, in Criminal Case No.242/2006 convicting the petitioners under Section 323/34 of IPC and sentencing them to suffer 2 month RI with fine of Rs.300/-.

Brief facts necessary for disposal of this revision are that on 25.8.2006

petitioners committed Marpeet with complainant Ramdayal. Crime was registered. After investigation, charge-sheet has been filed. Trial was conducted. After trial, petitioners have been convicted and sentenced as aforesaid. Being aggrieved by the aforesaid, petitioners preferred appeal which was dismissed.

Learned counsel for the petitioners/accused submitted that he does not want to challenge the conviction of the petitioners for the aforesaid offence. As regards sentence, it is submitted by learned counsel for the petitioners that incident took place on 25.8.2006 and more than 16 years have elapsed. They have already suffered incarceration for about 1 day. Therefore, while enhancing the fine amount suitably, sentence of the petitioners be reduced to the period already undergone by them.

Learned counsel for the State supported the impugned judgment.

Heard learned counsel for the parties and perused the record.

Looking to the facts and circumstances of the case, ends of justice would meet if while reducing the jail sentence of the petitioners to the period already undergone by them, the fine is enhanced to Rs.2,000/- under Section 323/34 of IPC. Accordingly, while affirming the conviction of the petitioners under Section 323/34 of IPC, jail sentence of the petitioners is reduced to the period already undergone by them and fine amount is enhanced to Rs.2,000/- each which shall be deposited by them within a period of one month from today, failing which the petitioners will have to suffer the sentence as awarded by the Courts below. The amount of fine so deposited by the petitioners be given to the complainant under Section 357 of Cr.P.C. as compensation.

With the aforesaid, the revision stands disposed of.

ms/-

