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

**BEFORE  
HON'BLE SHRI JUSTICE DEEPAK KUMAR AGARWAL  
ON THE 30<sup>th</sup> OF JANUARY, 2023**

**CRIMINAL REVISION No. 715 of 2010**

**BETWEEN:-**

**BADRI SANSI S/O RAMRAT SANSI, AGED ABOUT 50  
YEARS, R/O NAI BASAT, MUNAGAOLI, DISTT.  
ASHOKNAGAR**

**....PETITIONER**

**(BY SHRI DEEPAK SHRIVASTAVA- ADVOCATE )**

**AND**

**STATE OF M.P. THROUGH POLICE STATION  
G.R.P.GUNA (MADHYA PRADESH)**

**....RESPONDENT**

**(BY SHRI B.M.SHRIVASTAVA- PUBLIC PROSECUTOR )**

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

**ORDER**

This revision has been filed by the petitioner against the judgment dated 30.8.2010 passed by the 1st Additional Sessions Judge, Guna, in Criminal Appeal No.41/2010 affirming the the judgment dated 18.1.2010 passed by the JMFC, Guna, in Criminal Case No.3282/2007 convicting the petitioner for the offence punishable under Section 379 of IPC with six months RI and fine of Rs.500/-

Brief facts necessary for disposal of this revision are that on 4.12.2007 petitioner committed theft of one suitcase of the complainant in train. Crime was registered. After investigation, charge-sheet has been filed. Trial was conducted.

After trial, petitioner has been convicted and sentenced as aforesaid. Being aggrieved by the aforesaid, petitioner preferred appeal which was dismissed.

Learned counsel for the petitioner/accused submitted that he does not want to challenge the conviction of the petitioner for the aforesaid offence. As regards sentence, it is submitted by learned counsel for the petitioner that incident took place on 4.12.2007 and more than 15 years have elapsed. Petitioner has already suffered incarceration for about 42 days. Therefore, while enhancing the fine amount suitably, sentence of the petitioner 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 petitioner to the period already undergone by him, the fine is enhanced to Rs.5,000/- under Section 379 of IPC. Accordingly, while affirming the conviction of the petitioner under Section 379 of IPC, jail sentence of the petitioner is reduced to the period already undergone by him and fine amount is enhanced to Rs.5,000/- which shall be deposited by him within a period of one month from today, failing which the petitioner will have to suffer the sentence as awarded by the Courts below. The amount of fine so deposited by the petitioner be given to the complainant under Section 357 of Cr.P.C. as compensation.

With the aforesaid, the revision stands disposed of.

**(DEEPAK KUMAR AGARWAL)**  
**JUDGE**

