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

**BEFORE
HON'BLE SHRI JUSTICE PREM NARAYAN SINGH**

ON THE 18th OF MARCH, 2024

CRIMINAL REVISION No. 379 of 2024

BETWEEN:-

**NANURAM S/O BAPULAL, AGED ABOUT 28 YEARS,
OCCUPATION: NA VILLAGE PATDI, (RAJASTHAN)**

.....PETITIONER

***(SHRI KRISHNAPAL SINGH KHICHI, LEARNED COUNSEL FOR THE
PETITIONER [P-1].***

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH P.S. KHILCHIPUR (MADHYA
PRADESH)**

.....RESPONDENTS

***(SHRI SACHIN JAISWAL PL APPEARING ON BEHALF OF ADVOCATE
GENERAL.***

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

ORDER

With the consent of the parties heard finally.

1 . This criminal revision under Section 397/401 of Code of Criminal Procedure, 1973 has been filed by the petitioner being aggrieved by the judgment dated 29.11.2023, passed by the learned First Additional Sessions Judge District-Rajgarh in Cr.A No.281/2023, whereby the learned session judge has affirming the judgment dated 28.01.2023, passed by learned Judicial Magistrate First Class Criminal Case No.57/2023 and and convicted him under

Sections 379 and of IPC and sentenced to undergo for one year R.I. and with fine of Rs.500/- with usual default stipulations.

2. The petitioner has preferred this criminal revision on several grounds but during the course of arguments, learned counsel for the petitioner did not press this revision on merits and not assail the finding part of judgment. He confines his argument on the point of sentence only and prays that since the petitioner has already undergone approximately **11 months** in jail incarceration, his sentence be reduced to the period already undergone. The petitioner deserve some leniency as he has already suffered the ordeal of the trial since 2023. It is further submitted that this petition be partly allowed and the sentence awarded to the petitioner be reduced to the period already undergone.

3. Learned counsel for the State on the other hand supported the impugned judgment and prayed for dismissal of this revision.

4. Having considered the rival submissions and on perusal of the record, the submission of the learned counsel for the petitioners appears to be just and proper.

5. However, the learned trial Court as well as the learned Appellate Court has not committed any error in appreciation of evidence available on record. Further, it is found that both the courts below considered the evidence available on record and correctly found that the case of the prosecution is well supported by the witnesses. Both the Courts below have well considered the material available on record, hence, no infirmity is found in the impugned order of conviction passed by both the Courts below, accordingly, the same is upheld.

6. So far as the sentence of the petitioner is concerned, taking into consideration that the incident had taken place in the year 2023 and further the applicant had already undergone jail sentence of **approximately 11**

months, this Court is of the view that the conviction and sentence of the petitioner under Section 379 of IPC, the jail sentence under this offence is reduced to the period already undergone with fine of Rs.500/- which will be deposited within a period of 15 days from today.

8. The bail bond of the petitioner shall be discharged after deposit of the fine amount. If the petitioner fail to deposit the fine amount, he will suffer 30 days of simple imprisonment in default and thereafter completion of the same, he shall be released from jail, if not required in any other case.

9. The order of learned trial Court regarding disposal of the seized property, if any, stands confirmed.

10. A copy of this order be sent to the concerned trial Court for necessary compliance.

11. Pending application, if any, stands closed.

Certified copy, as per rules.

(PREM NARAYAN SINGH)
JUDGE

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