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CRR-2469-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

CRIMINAL REVISION No. 2469 of 2025*FARUKH**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Rakesh Mandloi - Advocate for the petitioner.

Shri Rajendra Suryawanshi - Government Advocate for the  
respondents State.

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Reserved on :- 23.06.2025

Posted on :- 01.07.2027  
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ORDER

Record of the trial Court and first appellate Court has been received.  
Accordingly, IA No. 7973 of 2025 is allowed and the defect as pointed out  
by the office is ignored.

Heard on IA No. 7972 of 2025 under Section 5 of the Limitation Act,  
1963. The same is allowed and the delay of 91 days in filing the criminal  
revision is condoned.

This criminal revision is heard finally at the stage of admission with



the consent of the parties.

This Criminal revision under Section 438 read with Section 442 of BNSS, 2023 is preferred being aggrieved by the judgment dated 21.11.2024 passed in Criminal Appeal No. 9/2024 by III Additional Sessions Judge, Indore arising out of judgment dated 29.11.2023 in Criminal Case No.3801329 of 2017 by Special Railway Magistrate, Indore.

Facts in brief are that the present petitioner was tried under Section 379 of the IPC for committing a theft of Rs. 765/-, licence and the documents of Virendra Sharma (PW-1) and a theft of Rs. 570/- and belonging of Rajeshwar Yadav (PW-4) on 02.10.2017 at 12:15 in general coach of Train No. 12919 at Railway Station, Indore and regarding which a Crime No. 78 of 2017 was registered at JRP, Indore.

On completion of investigation, the appellant accused was put to trial before the Special Railway Magistrate, Indore and he was tried under Section 379 of the IPC. He abjured the guilt and prosecution examined victim Virendra Sharma as PW-1, victim Rajeshwar Yadav (PW-4), Head Constable Jaipal Singh Chandel (PW-2), Constable Vikas Kumar Nahar (PW-3), Assistant Sub-Inspector Shakeel Khan (PW-5).

In examination under Section 313 of the Code of Criminal Procedure all the facts and circumstances are either denied or ignorance was expressed. The explanation supplied by the petitioner is that he has been falsely implicated.



Appreciating the evidence, the appellant was convicted under Section 379 of the IPC and sentenced to six months RI and fine of Rs. 500/- with default stipulations of one month rigorous imprisonment. In appeal the conviction and sentence was affirmed. Challenging the conviction and sentence this appeal has been preferred.

Counsel for the State has opposed the application.

Considering the testimony of Virendra Sharma (PW-1) and Rajeshwar Yadav (PW-4) and the fact proved from the testimony of Constable Vikas Kumar Nahar (PW-3) and Assistant Sub-Inspector Shakeel Khan (PW-5) that the revision petitioner was apprehended from the spot there is no illegality in the conviction of the appellant under Section 379 of the IPC. Hence the conviction of the petitioner under Section 379 of the IPC is affirmed. The appellant is in custody since 17.05.2025 and he has undergone a period of one and a half months in the custody. Paragraoph-34 of the judgment it is the finding of the trial Court that the appellant has no criminal antecedents. Considering the fact, the sentence of six months rigorous imprisonment is reduced to the period already undergone and the fine is enhanced to Rs. 5000/-. In default of deposit of fine, the revision petitioner shall undergo the remaining jail sentence of two months rigorous imprisonment. The amount already deposited shall be adjusted.

No order as to costs.



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**(GAJENDRA SINGH)**  
**JUDGE**

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