

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

BEFORE

HON'BLE SHRI JUSTICE RAMKUMAR CHOUBEY

ON THE 10th OF OCTOBER, 2025

CRIMINAL REVISION NO.2722/2025

RAMAT

VS.

THE STATE OF MADHYA PRADESH

Appearance:

Petitioner by Shri Pradeep Singh Chouhan, Advocate.

Respondent/State by Shri Sandeep Kumar Dubey, Panel Lawyer.

ORDER

Heard finally.

2. This criminal revisions u/s 397/401 of the Code of Criminal Procedure, 1973 (for short "CrPC") have been filed by the petitioner/accused against the judgment dated 05.06.2025 passed by learned Second Additional Sessions Judge, Betul, in Criminal Appeal No.55/2022 affirming the judgment of conviction dated 07.07.2022 passed by the learned JMFC, Betul, in RCT No.803908/2015, thereby convicting the petitioner/accused for commission of offence under Sections 5/16 of M.P. Forest Produce (Regulation of Trade) Act, 1969, Section 4/13 of M.P. Wood Cutting Act, 198 and 26(1) of Indian Forest Act, 1927 and sentencing him to suffer RI for three months & fine Rs.5000/-, RI for three months & fine Rs.3000/- and till rising of the court & fine Rs.200/- respectively with default stipulations.

3. The facts of the case, in a nutshell, are that on being ransacked the petitioner's house, 141 pieces of teak wood was found illegally hoarded. Thereafter, the said wood was seized and POR No.32/10 was issued and a case was registered against the petitioner.

3.1 After completion of investigation, a final report was filed before the trial Court.

3.2 At trial, the petitioner/accused abjured his guilty and pleaded false implication. After considering the evidence available on record, the trial Court convicted the petitioner/accused under sections under Sections 5/16 of M.P. Forest Produce (Regulation of Trade) Act, 1969, Section 4/13 of M.P. Wood Cutting Act, 198 and 26(1) of Indian Forest Act, 1927 and sentencing him to suffer RI for one year & fine Rs.5000/-, RI for six months & fine Rs.3000/- and till rising of the court & fine Rs.200/- respectively with default stipulations In appeal, the appellate Court affirmed the judgment of conviction and reduced the period of sentence, as mentioned above. Hence, this revision.

4. Learned counsel for the petitioner/accused submitted that the co-accused who had allegedly supplied the said wood, has already been acquitted by the appellate court. The petitioner/accused is facing the criminal case since 2010. It is also submitted that there are material discrepancies in the statements of the prosecution witnesses. On the basis of above premise, learned counsel prays that the judgment of conviction and order of sentence may be set aside.

5. learned counsel for the respondent/State has supported the impugned judgment of conviction and order of sentence and submitted that the petitioner/accused has been rightly convicted on

the fulcrum of evidence adduced before the trial Court and thus the revision deserves dismissal.

6. Heard the learned counsel for the parties and perused the record.

7. Indeed, in order to bring home the charge, the prosecution has examined the witnesses before the trial Court.

8. The learned trial Court as also the appellate Court have meticulously discussed the prosecution evidence available on record. The discrepancies appear in the statements of witnesses are minimal and can be ignored.

10. In **Johar and Ors. v. Mangal Prasad & Anr., AIR 2008 SC 1165** it has been opined that if the order of the trial Court not found to be passed without considering relevant evidence or passed by considering irrelevant evidence, interference by entering into merits and re-appreciating entire evidence would be improper. In **State of Maharashtra Vs. Jagmohan Singh Kuldip Singh Anand & Ors., AIR 2004 SC 4412** it is held that Court cannot exercise revisional power as a second appellate power.

11. The finding of the Court below is based on the evidence adduced on record which is not required to be re-appreciated in detail by this Court while exercising the revisional jurisdiction. Thus, the judgment of conviction is hereby affirmed.

12. So far as the quantum of the sentence is concerned, the petitioner/accused has been sentenced to suffer RI for three months and fine of Rs.5,000/- with default stipulation. Considering the fact that the petitioner/accused is facing prosecution since 2010 and he had no criminal

antecedents, it would be appropriate to modify the sentence and reduce the jail sentence to the period already undergone i.e. more than four months. Accordingly, the jail sentence period is modified to the period already undergone and fine amount shall remain intact.

13. Subject to above, since petitioner/accused is in jail, he be released forthwith if not required in any other case. Record be sent back to the Courts below along with a copy of this order.

14. Accordingly, this criminal revision is disposed of.

(RAMKUMAR CHOUBEY)
JUDGE