



NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**CRR No. 1096 of 2016**

Anil Chandrakar S/o Purushottam Lal Chandrakar Aged About 30 Years R/o Near Ram Temple, Kurmipara, Tahsil And Civil And Revenue District Mahasamund, Chhattisgarh. **... Applicant**

**versus**

State Of Chhattisgarh Through District Magistrate, Raipur, Civil And Revenue District Raipur, Chhattisgarh. **... Respondent**

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For Applicant : Shri Palash Agrawal, Advocate.

For Respondent/State : Shri Rajkumar Sahu, Panel Lawyer.

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**(HON'BLE SHRI JUSTICE RADHAKISHAN AGRAWAL)**

**Order on Board**

**22/01/2026**

Heard.

1. This criminal revision petition filed under Section 397 read with Section 401 of Cr.P.C. is directed against the judgment of conviction and order of sentence dated 16.11.2016 passed by the learned 1<sup>st</sup> Additional Sessions Judge, Raipur, C.G. in Criminal Appeal No.231/2015 whereby the appellate Court dismissed the appeal while affirming the conviction of the applicant under Section 338 of IPC and sentence of RI for one year with fine of Rs.1,000/- and in default thereof, to further undergo SI for 2 months, as passed by the Judicial Magistrate First Class, Raipur vide judgment dated 02.11.2015 passed in Criminal Case No.473/2010.
2. Case of the prosecution, in brief, is that on 15.07.2009 the complainant

Budhi Sagar has lodged a report in Police Station Mandir Hasaud stating therein that he was travelling in a Mini Bus bearing registration No.CG-04-B-2160 (for short, the offending vehicle Mini Bus) from Raipur to Mahasamund and there were other passengers also and when the offending vehicle Mini Bus reached near Konhal Canal between the villages Gujara and Umaria, the driver of offending vehicle dashed the trailer and caused accident, resulting in, some passengers got injuries whereas Bugali Bai sustained grievous injury on her right hand. On such report (Ex.P.4), offence under Crime No. 180/2007 was registered against the applicant.

3. After completion of investigation, charge sheet was filed before the Court of J.M.F.C., Raipur under Sections 279, 337 & 338 of IPC. The applicant abjured the charge and pleaded non-guilty.

4. Learned court of JMFC, and the appellate Court, after appreciation of evidence and material available on record, convicted and sentenced the applicant as mentioned in para 1 of this order. Hence, this revision.

5. Learned counsel appearing for the applicant submits that he does not want to challenge the conviction part of the applicant and confines his arguments to the sentence part only, which according to him is on higher side. He further submits that the applicant remained in jail 16 days i.e., from 16.11.2016 to 01.12.2016 and he has no criminal antecedents and is facing */is* since 2007, i.e., more than 18 years. He further submits that fine amount has already been deposited. Therefore, it is prayed by counsel for the applicant that the jail sentence awarded to applicant may be reduced to the period already undergone by him.

6. On the contrary, learned State Counsel opposed the revision and supported the impugned judgment.

7. I have heard learned counsel appearing on behalf of the parties and

perused the record.

8. Considering the evidence led by the prosecution on record connecting the applicant in crime in question and other evidence and material available on record, this Court is of the opinion that the finding recorded by the Court of JMFC Court as well as by the Appellate Court, being based on the evidence available on record, is a correct finding. Therefore, I hereby affirm the said finding of conviction of applicant.

9. As regards the sentence part, considering the facts and circumstances of the case and further considering the overall evidence on record, the fact that the applicant remained in jail for a period of 16 days, he has no criminal antecedents and is facing the *l/s* from 2007 i.e. more than 18 years, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon applicant, the jail sentence awarded to him is reduced to the period already undergone by him. However, the fine amount with default sentence shall remain intact.

10. Consequently, the revision is partly allowed. The conviction of applicant under the aforementioned Section is affirmed and he is sentenced to the period already undergone by him.

11. Since the applicant is reported to be on bail, therefore, his bail bonds shall remain in force for a period of six months from today in view of provision of Section 481 of Bhartiya Nagrik Suraksha Samhita, 2023.

Sd/-

(Radhakishan Agrawal)

**JUDGE**