



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 1206 of 2016

1 - Ganeshram S/o Panduram Yadav Aged About 25 Years

2 - Panduram Yadav S/o Tukaram Aged About 50 Years (Wrongly Mention Ganeshram In Impugned Order)

3 - Smt. Koushalya W/o Panduram Yadav Aged About 45 Years

All 01 to 03 are R/o Village Chandrapur, Police Station- Chandrapur, Tahsil Dabhra, District- Janjgir- Champa, Chhattisgarh.

... Applicants

versus

State Of Chhattisgarh Through District Magistrate Raigarh, District- Raigarh, Chhattisgarh.,

... Respondent/Non-applicant

For Applicants : Shri Hemant Kesharwani, Advocate.

For Respondent/State : Shri Ram Narayan Sahu, Deputy Government Advocate.

(HON'BLE SHRI JUSTICE RADHAKISHAN AGRAWAL)

Order on Board

21/01/2026

Heard.

1. This criminal revision preferred by the applicants under Section 397 read with Section 401 of Cr.P.C. is directed against the judgment dated 23.12.2016 passed by the learned Additional Sessions Judge, Sarangarh Dist. Raigarh in Criminal Appeal No.28/2009 whereby, the learned appellate Court dismissed the appeal of the applicants while affirming the judgment dated 17.11.2009 passed in Criminal Case No.993/2007 by the Judicial Magistrate First Class, Sarangarh convicting the applicants under Section 498-A/34 of Indian Penal Code (for short, 'IPC') and sentencing them to undergo simple imprisonment for 4 – 4 months and fine of Rs.1,000/- - 1,000/-, in default of payment of fine amount to undergo additional imprisonment for 1 - 1 month.

2. The case of the prosecution, in brief, is that the complainant Sharda Bai's marriage was solemnized with applicant No.1 on 18.09.2005 according to Hindu rites and customs and immediately after the marriage, all the applicants started taunting the complainant for not bringing sufficient dowry and by taunting as such, they subjected her to torture and physical harassment while abusing her. On 21.03.2007, the applicants drove her out of the house. On a report being lodged by the complainant, F.I.R. has been lodged against the applicants under section 498-A/34 of IPC.

3. After completion of investigation, charge sheet was filed before the Court of Judicial Magistrate First Class, Sarangah. The applicants abjured the charge and pleaded non-guilty.

4. Learned court of J.M.F.C. and appellate Court, after appreciation of oral and documentary evidence, convicted and sentenced the applicants as mentioned in opening paragraph. Hence, this revision.

5. Learned counsel appearing for the applicants submits that he is not challenging the conviction part of the applicants and confines his argument to the sentence part only, which according to him is on higher side. He further submits that during trial, the applicant No.1 Ganeshram was in jail from 03.11.2007 to 27.11.2007 (25 days), applicant No.2 Panduram was in jail from 16.11.2007 to 05.12.2007 (20 days) and applicant No.3 Koushalya Bai remained in jail from 18.12.2007 to 22.12.2007 (5 days) and again they were in jail from 23.12.2016 to 02.01.2017, i.e., for 11 days and they are facing the //s since March, 2007 i.e., for more than 18 years and that there are no criminal antecedents against them. He further submits that fine amount has already been deposited. On these premises, it is prayed by counsel for the applicants that the jail sentence awarded to the applicants may be reduced to the period already undergone by them.

6. On the contrary, learned State Counsel opposes the revision and supports the impugned judgment.

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

8. Considering the statement of complainant P.W.1 Sharda Yadav and other material evidence available on record, I am of the considered opinion that both the learned Courts were right in convicting the applicants and I hereby affirm the same.

9. As regards the sentence part, considering the facts and circumstances

of the case and also considering the fact that the applicants are facing the */is* March, 2007 i.e., for more than 18 years and that there are no criminal antecedents against them, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the applicants, the jail sentence awarded to them is reduced to the period already undergone by them. However, the fine amount shall remain intact.

10. Consequently, the revision is partly allowed. The conviction of applicants under the aforementioned Section is affirmed and they are sentenced to the period already undergone by them

11. Since the applicants are reported to be on bail, therefore, their bail bonds shall remain in force for a period of six months from today in view of provision of Section 481 of B.N.S.S. 2023.

Sd/-

(Radhakishan Agrawal)

JUDGE