



2026:CGHC:9166

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 360 of 2016

Raspal S/o Balakram Aged About 75 Years R/o - Village - Kendumudi, P.S. -
Saraipali, Tahsil - Saraipali, Civil And Revenue Distt. And Distt. Mahasamund
Chhattisgarh **... Applicant**

versus

State Of Chhattisgarh Through The District - Magistrate, Distt. Mahasamund
Chhattisgarh. **... Respondent**

For Applicant : Shri Jameel Akhtar Lohani, Advocate.

For Respondent/State : Shri Narayan Prasad, P.L.

(HON'BLE SHRI JUSTICE RADHAKISHAN AGRAWAL)

Order on Board

20/02/2026

Heard.

1. The present revision filed under Section 397/401 Cr.P.C. arises out of the judgment of conviction and order of sentence dated 08.04.2016 passed in Criminal Appeal No.01/2016 by the Additional Sessions Judge, Saraipali, Dist. Mahasamund whereby the appellate Court dismissed appeal, while affirming the judgment dated 07.11.2015 passed by J.M.F.C. Saraipali, Dist. Mahasamund in Criminal Case No.367/2011 convicting the applicant under Sections 420, 467, 468 & 471 of IPC and sentencing him to RI for 3 years and fine of Rs.1,000/- and in default thereof, to undergo further RI for 3 months on each count.

2. Case of the prosecution, in brief, is that on 08.02.2010, the complainant Chandlal Patel lodged a written report at Saraipali Police Station stating that land bearing Kh.No.182, area 0.42 hectares was registered in the name of his father, Chakrdhar Patel in village Banipali and without his father's knowledge co-accused Setram executed a registered sale deed and sold the land in favour of the present applicant by posing as Chakrdhar Patel. On such report F.I.R. under Sections 420, 467, 468 & 471/34 IPC was registered against both the accused persons under Crime No.44/2010. Statements of witnesses were recorded and thereafter both the applicants were arrested.

3. After completion of investigation, charge sheet was filed before the Judicial Magistrate First Class, Saraipali. The applicant and co-accused person abjured their guilt and pleaded innocence. During pendency of Criminal Case No.367/2011, co-accused Setram has died.

4. Learned Court of J.M.F.C. and the appellate Court, after appreciation of oral and documentary evidence, convicted and sentenced the applicant under the aforementioned sections. Hence, this revision.

5. Learned Counsel appearing for the applicant submits that he is not challenging revision on conviction of the applicant but challenging the finding of sentence part, which, according to him, is on higher side. He further submits that the main accused Setram has already died and the present applicant is only the purchaser of disputed land and also suffered financial loss due to purchase of the land in dispute. He further submits that he was in jail since 27.08.2010 to 25.10.2010 and then from 08.04.2016 to 26.04.2016 and thus has incarcerated jail sentence for 78 days and that he is facing */is* since 2010, i.e. for about 15 years. He also submits that the applicant is now aged 81 years and he himself is unable to perform his day to day work and is

dependent on his family members. He further submits that fine amount has been deposited, therefore, he urged that the applicant may be sentenced to the period already undergone by him.

6. On the contrary, learned State Counsel opposed the revision while supporting the impugned judgment.

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

8. Considering the evidence of the complainant – Chandlal Patel (P.W.1), Rabilal (P.W.2), Daduram (P.W.3) and Nirmal Dubey (P.W.8) and further considering the material documents available on record, I am of the view that both the trial Court as well as appellate Court were rightly justified in convicting the applicant as such.

9. As regards jail sentence of the applicant, considering the facts and circumstances of the case, particularly, considering the fact that the applicant was in jail for a period of 78 days and that he facing */is* since 2010, i.e. for about 15 years and further considering that the applicant is now aged 81 years and he himself is unable to perform his day to day work and is dependent on his family members, I am of the considered opinion that the ends of justice would be met if, while upholding the conviction imposed upon the applicant by both the Courts, the jail sentence awarded to him is reduced to the period already undergone by him. However, fine sentence imposed under the said sections and the default sentence shall remain in tact.

10. Consequently, the revision is allowed in part. The conviction of the applicant under the aforesaid sections is affirmed and he is sentenced to the period already undergone by him, while maintaining the fine sentence and

default sentence imposed under the said sections.

11. Since the applicant is reported to be on bail, therefore, his bail bonds shall remain in force for a period of six months as per the provisions contained in Section 481 of the B.N.S.S.

Sd/-

(Radhakishan Agrawal)

JUDGE

Anjani