



2026:CGHC:12567



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 186 of 2026**

Chaituram Dewangan S/o Late Shiv Prasad Aged About 65 Years R/o
Village - Jhalap, P.S. Patewa, District Mahasamund C.G.

... Applicant**versus**

State Of Chhattisgarh Through P.S. Patewa, District Mahasamund
C.G.

... Respondent

(Cause-title is taken from CIS)

For Applicant	: Mr. Mohit Kumar, Advocate
For Respondent/State	: Ms. Vithika Choubey, Panel Lawyer

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Judgment on Board****16.03.2026**

1. This revision has been preferred under Section 438 r/w Section 442 of BNSS, 2023 challenging the impugned judgment dated 20.01.2026 passed by learned Sessions Judge, Mahasamund, (C.G.), in Criminal Appeal No.82/2025, arising out of order dated 09.10.2025 passed by learned Judicial Magistrate 1st Class, District Mahasamund (C.G.) in Criminal Case No.252/2019, whereby the applicant has been convicted as under:-

<u>Conviction</u>	<u>Sentence</u>
Under Section 435 (6 times) of IPC	1 year rigorous imprisonment for each (total 6 years) and fine of Rs.150/- for each (total 900/-)
The sentences were directed to run concurrently	



2. The case of the prosecution is that the complainant, Santosh Dewangan, lodged a report at Patewa Police Station alleging that on 18.01.2019, applicant Chaituram Dewangan, a resident of Jhalap, set fire to straw (narai) in his field located at Bastipara Khar. This fire subsequently spread to the surrounding fields in the Bastipara Khar area, resulting in damage to the bore pump pipe installed in the complainant Santosh Dewangan's field; the bore water pipe and supply pipe in farmer Prakash alias Sagar Sahu's field; the electrical wiring in Dwarka Panda's field; and the pipe installed in Kanhaiya Patel's field, while the straw in Balram Patel's field was burnt. Based on the complainant's report, a First Information Report was registered. During the course of the investigation, a site map was prepared. Statements of witnesses were recorded, the accused was arrested and after completion of investigation, charge sheet was filed.
3. During the course of trial, in order to bring home the offence, prosecution examined as many as 7 witnesses and exhibited 8 documents in support of its case. The statement of the applicant/accused was also recorded under Section 313 of Cr.P.C. in which he denied the circumstances appearing against him in the evidence brought on record by the prosecution, pleaded innocence and false implication.
4. Learned trial Court, after appreciation of oral and documentary evidence on record, convicted the applicant for offence under Section 435(6 times) and sentenced to undergo 3 years of RI and fine of Rs.1,000/-. Vide impugned judgment, the conviction part has been affirmed by the Appellate Court however, reduced the sentence of the applicant for the aforesaid Section from 3 years RI (6 times) to 1 year RI (6 times) and to pay fine of 150/- (6 times). It is also ordered that the sentence will run concurrently, against which the present revision has been preferred by the applicant questioning the legality, validity and correctness of the impugned judgment.
5. Learned counsel for the applicant submits that he does not want



to press the revision on merits and confines his arguments on sentence part. He submits that the applicant is a farmer, an elderly person aged about 72 years, and has family responsibilities. Out of 1 year of jail sentence, he has already remained in jail for about 1 month and 24 days. The incident took place in the year 2019 and since then he is facing the *lis*. He has no criminal antecedents. Hence, by considering all these facts, the sentence of the applicant may be reduced to the period already undergone by him in the interest of justice.

6. Per contra, learned counsel appearing for the State, supported the impugned judgment and opposed the arguments advanced on behalf of the applicant.
7. Heard learned counsel for the parties and perused the record including the impugned judgment.
8. Having gone through the material available on record and the evidence of complainant Santosh Dewangan (PW-1), Kanhaiya Lal Patel (PW-2), Dwarka Prasad Panda (PW-4) and Sagar Sahu (PW-7), establish the involvement of the applicant in the crime in question. This Court does not find any illegality or infirmity in the finding recorded by the Trial Court, affirmed by the Appellate Court as regards the conviction of the applicant for offence punishable under Section 435(6 times) of IPC which is based on evidence available on record and it is hereby affirmed.
9. As regards the sentence, in the matter of **Mohammad Giasuddin v. State of Andhra Pradesh** reported in **(1977) 3 SCC 287**, Hon'ble Supreme Court has observed that if you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him and, men are not improved by injuries and held in para-9 as follows:

"9. Western jurisprudes and 'sociologists, from their own angle have struck a like note. Sir Samuel Romilly, critical of the brutal penalties in the then Britain, said in 1817:



"The laws of England are written in blood". Alfieri has suggested 'society prepares the crime, the criminal commits it'. George Nicodotis, Director of Criminological Research Centre, Athens, Greece, maintains that 'Crime is the result of the lack of the right kind of education.' It is thus plain that crime is a pathological aberration, that the criminal can ordinarily be redeemed, that the State has to rehabilitate rather than avenge. The sub-culture that leads to anti-social behaviour has to be countered not by undue cruelty but by re-culturisation. Therefore, the focus of interest in penology is the individual, and goal is salvaging him for society. The infliction of harsh and savage punishment is thus a relic of past and regressive times. The human today views sentencing as a process of reshaping a person who has deteriorated into criminality and the modern community has a primary stake in the rehabilitation of the offender as a means of social defense. We, therefore consider a therapeutic, rather than an in 'terrorem' outlook, should prevail in our criminal courts, since brutal incarceration of the person merely produces laceration of his mind. In the words of George Bernard Shaw: 'If you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him and, men are not improved by injuries'. We may permit ourselves the liberty to quote from Judge Sir Geoffrey Streatfield: "If you are going to have anything to do with the criminal Courts, you should see for yourself the conditions under which prisoners serve their sentences."

10. In the light of the decision of the Hon'ble Supreme Court in the case of **Mohammad Giasuddin** (supra) and keeping in view the fact that the applicant is now aged about 72 years and having family responsibilities. He is a farmer and has no criminal antecedents. He is facing the *lis* since 2019. He already remained in jail for about 1 month and 24 days. Considering all these facts, this Court opines that justice would be served if the applicant's sentence is reduced from 1 year RI (6 times) to 2 months RI (6 times) which will run concurrently and the fine amount will be enhanced from Rs.150/- (6 times) to Rs.7,000/- (6 times).
11. Accordingly, the conviction of the applicant for offence under



Section 435 (6 times) of IPC is maintained and the sentence is reduced from RI for 1 year (6 times) to RI for 2 months (6 times) which will run concurrently. However, the fine amount is enhanced from Rs.150/- (6 times) to 7,000/- (six times) totaling to Rs. 42,000/-. In default of payment of fine, the applicant shall liable to undergo 6 months' of rigorous imprisonment. If any amount was deposited by the applicant shall be adjusted in Rs.42,000/-.

12. The applicant has already undergone about 1 months and 24 days of jail sentence. This period will set off to the period as imposed upon him today by this Court.
13. The total fine amount of Rs. 42,000/- to be deposited by the applicant herein after verification will be disbursed to the victims in the following manner:-

Names of the victims	Amount to be provided
Nohar Dewangan	Rs.25,000/-
Santosh Dewangan	Rs.5,000/-
Sagar Sahu	Rs.5,000/-
Dwarka Prasad Panda	Rs.3,000/-
Kanhaiya Lal Patel	Rs.4,000/-
Total	Rs.42,000/-

14. Consequently, the revision is **partly allowed** to the extent indicated hereinabove.
15. Let a certified copy of this judgment along with the original record be transmitted to the trial Court concerned. A copy of this judgment be also transmitted to the concerned Jail Superintendent where the applicant is serving his sentence, for information and necessary action.

Sd/-
(Sanjay Kumar Jaiswal)
Judge