



2026:CGHC:12501

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 285 of 2026

1 - Vishwas Pandey S/o Satyanarayan Pandey Aged About 32 Years
R/o Pendra, P.S. Pendra Distt. Gaurela-Pendra-Marwahi
Chhattisgarh

... Applicant

versus

1 - State Of Chhattisgarh Through Sho, P.S. Pendra Distt. Gaurela-
Pendra-Marwahi Chhattisgarh.

....Non-applicant

For Applicant : Mr. Raj Kumar Gupta, Advocate.

For Non-applicant/State : Ms. Laxmeen Kashyap, Panel Lawyer.

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order On Board

16.03.2026

1. The present revision arises out of the impugned judgment of conviction and order of sentence dated 13.02.2026 passed by the learned First Additional Sessions Judge, Pendra Road Bilaspur (C.G.) in Criminal Appeal No. 05/20254, whereby the learned appellate Court has affirmed the conviction and sentence of the accused/applicant as awarded by the learned Chief Judicial Magistrate, Pendra Road Bilaspur (C.G.) vide judgment dated 06.02.2026 passed in Criminal Case No.642/2019. The conviction and sentence of the applicant are as under:-

Conviction	Sentence
U/s 456 of IPC	R.I. for 01 year and fine of Rs.1,000/-, in default of payment of fine amount S.I. for 01 month.

U/s 509 of IPC	S.I. for 03 months and fine of Rs.1,000/-, in default of payment of fine amount Additional S.I. for 01 month.
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2. Brief facts of the case are that on 03.07.2019, the victim/complainant (P.W.1) submitted a written complaint before the Station House Officer (SHO), Police Station Pendra, against the present applicant and another accused namely Kapil Patel. In the said complaint, she alleged that on 18.05.2019 at about 10:30 PM, the present applicant along with the co-accused entered her house in an intoxicated condition and behaved rudely with her. It was further alleged that they used abusive and filthy language towards her. The complainant lodged the First Information Report (FIR) on the following day against the applicant and the co-accused. On the basis of the said complaint, the SHO, Police Station Gaurella, registered the offence and initiated investigation in the matter. Upon completion of the investigation, a charge-sheet was filed before the learned Trial Court at Pendra Road against the present applicant and the co-accused.
3. So as to hold the accused/applicant guilty, the prosecution has examined as many as 6 witnesses and exhibited 05 documents. Statement of the accused/applicant was also recorded under Section 313 of the Cr.P.C. in which he denied the charge leveled against him and pleaded innocence and false implication in the case.
4. Learned counsel for the applicant submits that he is not pressing the revision insofar as it relates to the conviction part of the judgment and would confine his arguments only to the sentence. According to him, the incident is alleged to have taken place in the year 2019 and more than six years have elapsed since then. The applicant is about 32 years of age. He has already remained in jail for about 01 month during the trial and, from the date of judgment i.e.,13.02.2026 till now, for

about 1 month and 3 days, totaling approximately 2 months and 3 days, therefore, in the interest of justice, it would be appropriate if the sentence imposed upon him is reduced to the period already undergone by him.

5. Per contra, learned counsel appearing for the State, supporting the impugned judgments, opposed the arguments advanced on behalf of the counsel for applicant.
6. Heard learned counsel for the parties and perused the material on record including the impugned judgments.
7. Having gone through the material available on record and the evidence of the witnesses, namely Rani Soni (PW-1/), Laxmi Soni (PW-2), Ku. Pooja Soni (PW-3) Tirki. (PW-4), Ram Soni (PW/5) and Ramavtar Patel (PW/6), the involvement of the accused/applicant in the crime in question stands proved beyond reasonable doubt. This Court does not find any illegality or infirmity in the findings recorded by both the Courts below with regard to the conviction of the applicant under Sections 456 and 509 of the IPC.
8. As regards 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."

9. In the light of the decision of the Supreme Court in the case of **Mohammad Giasuddin** (supra) and keeping in view the fact that maximum sentence imposed upon the applicant is 1 year, out of which he has already served the jail sentence about 2 months and 3 days, no criminal antecedent of the applicant is recorded in the arrest memo (Ex-P/4), he has studied upto 12th class and works as a shopkeeper this Court is of the opinion that the ends of justice would serve if the appellant is sentenced to the period already undergone by him.
10. Accordingly, the conviction of the applicant under Sections 456 and 509 of the IPC is maintained, however, his jail sentence is reduced to the period already undergone by him, i.e., 02 months and 3 days. The fine imposed on the applicant by the trial Court shall remain intact.
11. Consequently, the revision is **allowed in part** to the extent indicated herein-above.
12. The appellant is reported to be in jail. He be released forthwith if not required to be detained in any other case.
13. Record of the trial Court along with a copy of this judgment be sent back forthwith for compliance and necessary action, if any.

A copy of the judgment may also be sent to the concerned Jail Superintendent wherein the appellant is suffering the jail sentence.

Sd/-
(Sanjay Kumar Jaiswal)
JUDGE

Arpan