



2026:CGHC:18618

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**CRR No. 712 of 2011**

- 1** - Madan S/o Dashru Gond Aged About 21 Years R/o Gram Sorga, P.S. Patna Tehsil Baikunthpur, District- Korla (C.G.)
- 2** - Babulal S/o Shivprasad Kushwaha Aged About 22 Years R/o Gram Sorga, P.S. Patna Tehsil Baikunthpur, District- Korla (C.G.)
- 3** - Sant Kumar S/o Hiralal Gond Aged About 34 Years R/o Gram Tengani P.S. Patna Tehsil Baikunthpur, District- Korla (C.G.)
- 4** - Banshroop (Deleted ) As Per Hon'ble Court Order Dated 10-04-2026
- 5** - Sampat S/o Anand Sai Gond, Aged About 32 Years R/o Gram Sorga P.S. Patna , Tehsil Baikunthpur District- Korla (C.G.)
- 6** - Brijendra Singh S/o Dharam Singh Aged About 32 Years R/o Gram Sorga P.S. Patna, Tehsil Baikunthpur District- Korla (C.G.)
- 7** - Bhanu Gond S/o Dhansai Gond Aged About 30 Years R/o Gram Billaro, P.S. Patna, Tehsil Baikunthpur District- Korla (C.G.)
- 8** - Jai Prakash S/o Golsai Panika Aged About 24 Years R/o Gram Tengani P.S. Patna, Tehsil Baikunthpur District- Korla (C.G.)

**... Applicants.**

**versus**

State Of Chhattisgarh Through District Magistrate Korla District- Korla (C.G.)

**---- Respondent**

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 For Applicants : Mr. Manesh Sharma, Advocate  
 For the State/Respondent : Mr. Anish Tiwari, Dy. GA with Ms. Avlin  
 Junega Gambhir, PL.  
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**Hon'ble Shri Sanjay Kumar Jaiswal, Judge**

**Judgment on Board**

**23.04.2026**

1. The applicants have filed this criminal revision challenging the impugned judgment dated 01.12.2011 passed by learned 1<sup>st</sup> Additional Sessions Judge, Manaindragarh at Baikuthpur, Distt-Koria, (C.G.), in Criminal Appeal No.96/2008, arising out of order dated 23.10.2008 passed by learned Chief Judicial Magistrate, Baikuthpur, Distt-Koria, (C.G.) in Criminal Case No.69/2005, whereby the applicants stand convicted and sentenced as under:-

<b>Conviction</b>	<b>Sentence</b>
U/s 148 of IPC	R.I. for 02 years and fine of Rs.1000/- each applicants, in default of payment of fine, additional S.I. for 03 months to each applicants.
U/s 323/149 of IPC	R.I. for 06 months.

2. Vide order dated 12.12.2011, applicants have been granted bail by this Court.

3. The case of prosecution, in short, is that on 09.09.2004 at about 7.30 PM when the complainant -Pawan Kumar was alongwith Bhaiyalal, Basant & others, the present applicants alongwith others have assaulted the complainant with rod, chain and sticks, due to which, he suffered injuries. Based upon report, FIR was registered against the applicants for offence punishable under Sections 148, 323/149 of IPC.
4. After completion of investigation, charge-sheet was filed against the applicants, based upon which, trial Court framed the charges against them.
5. So as to hold the accused/applicants guilty, the prosecution has examined as many as 13 witnesses and exhibited relevant documents. The statements of the accused/applicants were also recorded under Section 313 of the Cr.P.C. in which they denied the circumstances appearing against them and pleaded innocence and false implication in the case.
6. The learned Trial Court (Chief Judicial Magistrate, Baikuthpur, Distt-Koria, (C.G.), after appreciation of oral and documentary evidence on record, convicted the applicants as mentioned in opening paragraph of this judgment. Vide impugned judgment, the Appellate Court has affirmed the order of learned CJM, against which the present revision has been preferred by the applicants questioning the legality, validity and correctness of the impugned judgment.

7. Learned counsel for the applicants submits that he is not pressing the revision so far as it relates to the conviction part of the judgment and would confine his argument to the sentence part thereof only. The alleged incident took place in the year 2004 and about 22 years have elapsed, the applicants have already served the following jail sentence, Applicant No.1/Madan about 76 days, Applicant No.2/Babulal about 41 days, Applicant No.3/Sant Kumar about 20 days, Applicant No.4/Banshroop has been died during pending of this revision, Applicant No.5/Sampat about 20 days, Applicant No.6/Brijendra Singh about 14 days, Applicant No.7/Bhanu Gond about 23 days, Applicant No.8/Jai Prakash about 20 days. At the time of alleged incident, applicants are aged about 21-30 years and now they are aged about 43 to 52 year and having family responsibilities, they are not having any previous criminal antecedent. Hence, considering all these facts, in the interest of justice, it would be appropriate if the sentence imposed upon the applicants may be reduced to the period already undergone by them.
8. Per contra, learned counsel appearing for the State/Respondent opposed the arguments advanced on behalf of the applicants and supported the impugned judgment of conviction and sentence.
9. Heard learned counsel for the parties and perused the record.
10. Having gone through the facts of the case, evidence of

prosecution witnesses, particularly the evidence of PW-10/Narayan Singh (Patwari), including the evidence of injured/victim and other evidence/material available on record, the involvement of the applicants in the crime in question is clearly established. This Court does not see any illegality or infirmity in the findings recorded by both the Courts regarding conviction of applicants for the aforementioned offence/crime.

11. 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 jurisprudence 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-culturation. 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 Jeffrey 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."

12. In the instant case, the alleged incident took place in the year 2004 and about 22 years have elapsed, the applicants have already served the following jail sentence, Applicant No.1/Madan about 76 days, Applicant No.2/Babulal about 41 days, Applicant No.3/Sant Kumar about 20 days, Applicant No.5/Sampat about 20 days, Applicant No.6/Brijendra Singh about 14 days, Applicant No.7/Bhanu Gond about 23 days, Applicant No.8/Jai Prakash about 20 days. At the time of alleged incident, applicants are aged about 21-30 years and now they are aged about 43 to 52 year and having family responsibilities, they are not having any previous criminal antecedent. In the light of the decision of the Hon'ble Supreme Court in case of **Mohammad Giasuddin** (supra) and also considering the entire facts and

circumstances of the case, this Court is of the opinion that no useful purpose would be served in sending the applicants to jail at this point of time for undergoing remaining period of sentence and ends of justice would be met if the sentence awarded to applicants is reduced to the period already undergone by them.

13. Accordingly, conviction of applicants under Sections 148 & 323/149 of IPC is hereby maintained, but their jail sentence is reduced to the period already undergone by them. However, fine amount imposed upon the applicants shall remain intact.
14. Consequently, the criminal revision is **allowed in part** to the extent indicated herein-above.
15. Applicants are reported to be on bail. They need not surrender in this case. However, their bail bonds shall remain in force for a period of six months in view of the provisions contained in Section 437-A of the CrPC.
16. Record of the trial Court along with a copy of this judgment be sent back forthwith for compliance and necessary action, if any.  
CC as per rules.

**Sd/-**  
**(Sanjay Kumar Jaiswal)**  
JUDGE

J/-