



2026:CGHC:3952

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 1076 of 2016**

- 1 - Bansilal S/o Gangaram Satnami Aged About 40 Years,
 2 - Pappu @ Ravishankar (Died and Deleted as per Hon'ble Court Order Dated 22-01-2026),
 3 - Maansai S/o Bhagauram Satnami, Aged About 40 Years,
 4 - Devkumar S/o Trilochan Satnami, Aged About 32 Years,
 All are R/o - Village - Nagaridihi, Chowki Hasaoud, Police Station Jaijaipur At Present Police Station Hasaoud, District - Janjgir Champa, Chhattisgarh,

... Applicants**versus**

State of Chhattisgarh Through S. H. O. - Jaijaipur At Present Police Station Hasaoud, District Janjgir-Champa, Chhattisgarh,

... Respondent

For Applicants	: Mr. Ishwar Jaiswal, Advocate
For Respondent/State	: Mr. Ram Narayan Sahu, Dy. G.A.

Hon'ble Shri Justice Radhakishan Agrawal**Order on Board****22.01.2026**

- The present revision is filed under Section 397/401 of Code of Criminal Procedure against the judgment dated 17.11.2016 passed by the 1st Additional Sessions Judge, Sakti, District Janjgir-Champa (C.G.) in Criminal Appeal No.23/2015 arising out of judgment dated 15.12.2014, passed by the Judicial Magistrate First Class, Jaijaipur (C.G.) in Criminal Case No.47/2010 wherein the Applicants have been convicted under Section 171(f) of the Indian Penal Code, 1860, and Sections

135(1), 136(1)(f) of the Representation of the People Act, 1951 and sentenced for rigorous imprisonment for six months with fine of Rs.500-500 (for each offence), in default of payment of fine, additional rigorous imprisonment for 1-1 month each. All the sentences were directed to run concurrently.

2. Case of the prosecution, in brief, is that, on 22.02.2010, Up-Sarpanch Election was being conducted in Gram Panchayat Nagaridih wherein the complainant Fateram was appointed as the Presiding Officer. It is alleged that after completion of the voting process for election of vice-sarpanch, when counting of votes was going on, at that time, the applicants with common intention took away the ballot box, destroyed/broke it, removed two ballot papers, and thereafter, again placed the ballot box at its place, thereby affected the voting process. On the basis of the above background, the complainant lodged the complaint against the applicants and subsequently, FIR was registered against them. Thereafter, statements of the witnesses were recorded under Section 161 Cr.P.C.
3. After completion of investigation, charge-sheet was filed before the Court of Judicial Magistrate First Class, Jaijaipur, against the applicants, who abjured the charge and pleaded non-guilty.
4. Learned Court of JMFC, after appreciation of oral and documentary evidence, convicted and sentenced the applicants as mentioned in paragraph 1 of this judgment. The said judgment was challenged by the applicants in Criminal appeal, however, the Appellate Court vide judgment dated 17.11.2016 dismissed the appeal. Hence, this revision.

5. Learned Counsel appearing for the applicants submits that he does not want to challenge the conviction of the applicants but is challenging the sentence part, which, according to him, is on higher side. He further submits that the applicants have remained in jail for 09 days i.e. from 17.11.2016 to 25.11.2016, they are facing the *lis* since 2010 i.e. for more than 15 years. He further submits that there is no minimum punishment prescribed under the aforesaid offence. He further submits that the applicants have no criminal antecedent. This apart, the fine amount has already been deposited before the concerned trial Court. Therefore, the jail sentence awarded to the applicants may be reduced to the period already undergone by them.
6. On the contrary, learned State Counsel supports the impugned judgment. However, he submits that the applicants were involved in removal of ballot box/ 2 voting papers from the polling station and not in booth capturing, and there is no minimum punishment prescribed under the aforesaid offences.
7. I have heard learned counsel appearing on behalf of the parties and perused the record.
8. Considering the facts and circumstances of the case, statements of complainant Fateram Tandon (PW-01), Ramcharan (PW-02), supported with the other evidence available on record, this Court is of the opinion that the finding recorded by the learned Trial Court as well as the Appellate Court being based on the evidence available on record is correct finding. Thus, I hereby affirm the conviction of the applicants.
9. As regards the sentence part of the applicants, considering the facts

and circumstances of the case and further considering the facts that applicants have remained in jail for 09 days, they are facing the *lis* since 2010 i.e. for more than 15 years, they have no criminal antecedent, they have deposited the fine amount, I am of the view that ends of justice would be met if, while upholding the conviction imposed upon applicants, the jail sentence awarded to them is reduced to the period already undergone by them i.e. 09 days. However, the sentences are directed to run concurrently.

10. Consequently, the revision is partly allowed. The conviction of applicants under the aforementioned Sections is affirmed and they are sentenced to the period already undergone by them. The fine sentence is hereby affirmed.
11. Since the applicants are reported to be on bail, therefore, their bail bond shall remain in force for a period of six months from today in view of provision contained under Section 481 of the BNSS, 2023.

Sd/-

(Radhakishan Agrawal)
JUDGE