

## Thakur Singh Thakur Vs State Of Chhattisgarh

**Court:** Chhattisgarh High Court

**Date of Decision:** May 24, 2019

**Acts Referred:** Indian Penal Code, 1860 " Section 201, 420, 467, 468, 471

**Hon'ble Judges:** Rajani Dubey, J

**Bench:** Single Bench

**Advocate:** Manoj Ku. Mishra, Ghanshyam Patel

**Final Decision:** Partly Allowed

### Judgement

Rajani Dubey, J

1. The present revision arises out of the impugned judgment of conviction and order of sentence dated 07.06.2018 passed by the Additional Sessions

Judge (FTC), Dhamtari in Cr. Appeal No. 18/2018 whereby, the learned appellate Court below has confirmed the conviction and sentence of the

accused/applicant as awarded by the Chief Judicial Magistrate, Dhamtari, District Dhamtari, vide its judgment dated 02.05.2018 in Criminal Case No.

148/2013 for the offence under Sections 420, 467, 468, 471 and 201 of the IPC and sentenced to undergo RI for 5 years with fine of Rs. 500, RI for 7

years with fine of Rs. 1000/-, RI for 5 years with fine of Rs. 500/-, RI for 1 year with fine of Rs. 200/- and RI for 1 year with fine of Rs. 200/-,

respectively with default stipulations.

2. As per prosecution story, Complainant Krishna Kumar (PW2) has lodged a report at City Kotwali alleging therein that for the appointment of

Shiksha Karmi Grade-III at Janpad Panchayat Dhamtari in the year 2007, the present Applicant/accused alongwith other persons had submitted

forged Higher Secondary marksheet for appointment and obtained service in place of qualified persons. They debar the qualified persons and obtained

payment for about 4 years. It was further alleged that there is difference in the marks and percentage of the present Applicant's original mark-sheet

as well as mark-sheet submitted along with the application form. On the basis of said complaint, the police has registered the offence. During course

of investigation, memorandum statement of the Applicant has been recorded and documents/mark- sheet were also seized from him. After

competition of the investigation, a charge-sheet was filed before the Chief Judicial Magistrate. Charges were framed against the Applicant and other

co-accused.

3. To prove the guilt of the Applicant, as many as 18 prosecution witnesses have been examined. Statements of the Applicant under 313 of the Cr.P.C

was recorded, wherein he pleaded his innocence and false implication in the present case. No defence witness has been examined.

4. After trial, the Learned Chief Judicial Magistrate has convicted and sentenced the Applicant as mentioned in the first paragraph of this order, which

was also affirmed by the Appellate Court. Hence, this revision.

5. Learned Counsel appearing for the Applicant submits that he do not want to press this revision on merits and would confine his argument to the

sentence part thereof only. It is further submitted that the matter is of the year 2012, the Applicant is facing the lis since 7 years and he has undergone

more than 1 year jail sentence. Learned counsel for the Applicant also submits that the other co-accused persons have been sentenced to the period

already undergone by them by enhancing fine amount by this Court in CRR Nos.617, 644, 696 and 794 of 2018 dated 16.05.2019, and therefore, the

present applicant may also sentenced to the period already undergone by him.

6. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the trial Court is

just and proper and requires no interference.

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

8. Considering the above facts and circumstances, particularly considering that Applicant has undergone more than 1 year jail sentence and he is

facing the lis since 7 years, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Applicant, the

jail sentenced awarded to him is reduced to the period already undergone by him and the fine sentence imposed upon the Applicant under the

respective Sections 420, 467, 468, 471 & 201 of IPC are enhanced to Rs. 25,000/- against each of the sections. Ordered accordingly. The enhanced

amount of fine under the aforementioned Sections shall be payable within 1 month from the date of receipt of a copy of this order by the Applicant. In

default of payment, the Applicant shall be liable to further undergo SI for 6 months under each sections. If any amount has already been deposited

towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.

9. Consequently, the revision is partly allowed to the extent indicated above.

10. The Applicant be released forthwith, if not required in any other case.

11. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.