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Petitioner is in Jail

IN THE HON'BLE HIGH COURT OF JUDICATURE OF M.P.
JABALPUR BENCH AT GWALIOR

Criminal Revision No. 319 /2006

Salim Khan S/O Shri Sukku Khan,
Aged- 39 Years, Occupation-
Agriculturist, R/O Village Rajpur
P.S. Patharia, District Vidisha,
M.P.

(At present convicted prisoner
in 900 Central-Jail Gwalior).

..Petitioner

Vs.

State of Madhya Pradesh through
Police Station Raghogargh,
District Guna, M.P.

..Respondent

Criminal Revision under sections 397 and 401
Cr.P.C. against the order of conviction
recorded by Shri D.S.Chauhan J.M.F.C. Raghogargh
in criminal case no. 434/2005 convicting the
petitioner under section 420 I.P.C. and senten-
cing him to suffer R.I. for two years and to
pay fine Rs. 2000/- through judgement dated
30-12-2005 which has been confirmed by Shri
N.K.Saxena IIIrd A.S.J. (Fast Track) Guna in

Criminal Appeal no. 14/2006 through judgement dated 7-4-2006. However sentence has been reduced to six months R.I.

(No similar revision petition is either pending or rejected by this Hon'ble court or any other court).

MAY IT PLEASE THIS HON'BLE COURT,

The humble revision petition of the above named petitioner sheweth as below.

1- Facts giving rise to the petition are that petitioner had purchased one 'Golden Kada' for Rs.31900/- on 26-8-2005 through Memo Ex. P5 from complainant Vishnu Gopal PW1 the same article was pawned by the petitioner on 5-9-2005 with the complainant for Rs. 5000/-. The amount of Rs. 5000/- alongwith interest Rs.100/- was returned back to the complainant and the said article was taken back to the petitioner, it is alleged that after some time the petitioner again approached the complainant and the said article was pawned for Rs. 25000 . It is further alleged that on being tested the article was found to be artificial. Then the petitioner was stopped by the complainant and by throwing the said amount in the shop of complainant. The petitioner tried to run away but he was caught by the complainant with the help



ANNEXURE-C

HIGH COURT OF MADHYA PRADESH

CASE No. OF 20

ORDER SHEET (Continuation)

Date & S. No. of the order	Order
	<p>1 CRR.319.2006 Salim Khan Vs. State of M.P.</p> <p>19.01.2016</p> <p>Shri D.S. Chouhan, counsel for the accused/petitioner. Dr. (Smt.) Anjali Gyanani, Public Prosecutor, for the respondent/State.</p> <p>Present revision assails the judgment of conviction and order of sentence dated 07.04.2006 passed by the III Additional Sessions Judge (Fast Track), Guna (M.P.) in Criminal Appeal No.14/2006 whereby the judgment of conviction and order of sentence dated 30.12.2005 passed by the Judicial Magistrate First Class, Raghogarh, District Guna (M.P.) was modified to the extent that the conviction recorded by the trial court under Section 420 of IPC was confirmed whereas the jail sentence was reduced from two years' RI to six months' RI confirming the sentence of fine to the tune of Rs.2,000/- with default stipulation.</p> <p>The present revision is pending since last about nine years.</p> <p>Though this Court had suspended the sentence of the accused/petitioner vide interim order dated 17/04/2006 but the report received from the Deputy Superintendent, District Jail, Guna (M.P.) dated 24.10.2015 reveals that total custody period suffered by the petitioner during pre and post conviction period is six months, which is equal to the sentence awarded.</p> <p>Learned counsel for the revisionist submits that the fine</p>





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	<p>amount of Rs.2,000/- has already been deposited which fact also finds mention in the order granting suspension of sentence to accused/revisionist.</p> <p>In view of the sentence of imprisonment already having been undergone by the accused/revisionist and also the fine having been deposited by him, this Criminal Revision has become infructuous and is dismissed as such.</p> <p>Before parting with the case, it would be appropriate to pass an order for compensating the victim/complainant Vishnu Gopal who is also (PW-1) before the trial court in terms of Section 357 of Cr.P.C.</p> <p>Accordingly, invoking provisions of Section 357(4) of Cr.P.C., this Court directs the trial court to hand over the amount of fine of Rs.2,000/- to the said victim and compliance report in that regard be sent to this Court preferably within a period of two months from the date of receipt of copy of this order.</p> <p>Bail bonds stand discharged accordingly.</p>

(Sheel Nagu)
Judge

CERTIFIED TO BE A TRUE COPY

Section Officer
Madhya Pradesh High Court
Gwalior Bench, Gwalior
Certified u/s 76 of the Evidence Act

Head Copyist

Copyist

Checked by Correct
A.H.C.

Application received on 28/1/16
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