

Chunna @ Charan Singh vs State Of M.P on 27 October, 2025

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WRIT PETITION NO.

IN THE HIGH COURT OF MADHYA PRADESH
AT GWA L I O R
BEFORE
HON'BLE SHRI JUSTICE AMIT SETH

WRIT PETITION No. 2647 of 2012
CHUNNA @ CHARAN SINGH

Versus
STATE OF M.P.

Appearance:
Shri S.S. Gautam - Advocate for the petitioner.

Ms. Padamshri Agrawal Panel Lawyer for the respondent/State.

ORDER

(Delivered on this day of 27th October, 2025)

1. Pursuant to the order dated 07/10/2025, the petitioner Chunna @ Charan Singh is present in person before this Court. He has been duly identified by his counsel and his presence is marked.
2. With the consent of learned counsel for the rival parties, matter is heard finally.
3. The instant writ petition under Article 226 of Constitution of India has been filed by the petitioner assailing the judgment dated 29/03/2012 passed by Sessions Judge, Ashoknagar (M.P.) in criminal appeal No. 11/2012, which was preferred under section 33 of Village Court Adhiniyam, whereby, the learned Sessions Judge, Ashoknagar (M.P.) affirmed the judgment of conviction and order of sentence dated 19/12/2011 passed in criminal case No. 182/2010 by Judicial Officer, Village Court, Ashoknagar (M.P.), whereby, the petitioner was convicted under section 379 of IPC and sentenced him to undergo rigorous imprisonment for Three months with fine of Rs. 500/- and in default of payment of fine, further ordered to undergo one month rigorous imprisonment.
4. The facts in brief to decide this petition are that the complainant Madan on 20/03/2009 has lodged report at police station Kachnar, District Ashoknagar stated therein that some unknown person has stolen his electric motor of one horse power worth Rs. 6,000/- and 200 feet lezam worth Rs. 1,000/-. On the basis of aforesaid, an FIR bearing Crime No. 44/2009 was registered at police station Kachnar, District Ashoknagar for the offence punishable under section 379 of IPC. On lodging of F.I.R., criminal law was triggered and set in motion, statements of the witnesses were recorded; prepared the spot map; arrested the accused person and after completion of all due formalities, the charge sheet was submitted before the competent Court having criminal jurisdiction.

5. Learned trial Court after conclusion of trial, convicted the accused / petitioner for the offence punishable under section under section 379 of IPC and sentenced him to undergo rigorous imprisonment for Three months with fine of Rs. 500/- and in default of payment of fine, further ordered to undergo one month rigorous imprisonment, which was affirmed by the learned Sessions Judge, Ashoknagar (M.P.) vide judgment dated 29/03/2012 passed in criminal appeal No. 11/2012. Being aggrieved by the impugned judgment dated 29/03/2012 passed in criminal appeal No. 11/2012, the accused / petitioner has filed the instant writ petition.

6. Learned counsel for the accused/petitioner argued that petitioner has falsely been implicated in the case. It is further argued that there are omissions and contradictions in the evidence of the prosecution witnesses. It is further submitted that prosecution has not examined any independent witness, but only interested witnesses have been examined. It is further argued that petitioner aged about 38 years is facing the criminal proceedings from the date of incident i.e. 2009 to till date and is suffering physically and mentally for the same and has already served total imprisonment of Twenty one days out of total awarded jail sentence of Three months. In support of his contentions, learned counsel for the petitioner has placed reliance upon the judgments delivered by the Apex Court in the case of V.K. Verma vs. Central Bureau of Investigation reported in (2014) 3 SCC 485, in the case of Surendran vs. Sub - Inspector of Police reported in AIR 2021 SC 3197 and also in the case of Rameshwar Singh vs. State of M.P. delivered by co-ordinate Bench of this Court vide order dated 16/01/2023 passed in Cr.R. No. 819/2009. On these grounds, it is prayed that the writ petition filed by the petitioner deserves to be allowed and the judgment of conviction deserves to be set aside.

7. In alternative leaned counsel for the petitioner submits that petitioner was in jail for 21 days including pre and post conviction period and the jail sentence was suspended by this Court vide order dated 12/04/2012. It is submitted that looking to the nature of offence and the fact that petitioner has already served 21 days of jail sentence and the long protracted litigation, the same may be reduced to the period already undergone and the amount of fine may reasonably be enhanced.

8. Learned counsel for respondent / State submits that after due appreciation of evidence, learned Courts below have found the offence proved against the petitioner, which requires no interference. It is submitted that the writ petition filed by the petitioner be dismissed.

9. From perusal of the record, this Court is of the view that no illegality has been committed by the learned Courts below in convicting the petitioner, hence the judgment of conviction passed by the learned Courts below require no interference and is hereby maintained.

10. The Apex Court in the case of Ashok Kumar vs. State (Delhi Administration) reported in (1980) 2 SCC 282 has held as under:-

"the commission of offence of theft was committed in 1971 and the judgment of this Court was delivered in 1980. The conviction was under Section 411 IPC. This Court having regard to the purpose of punishment and "the long protracted litigation", reduced the sentence to the period already undergone by the convict."

11. The Apex Court in the case of Sharvan Kumar vs State Of Uttar Pradesh reported in (1985) 3 SCC 658 has held as under:-

"the commission of offence was in 1968 and the judgment was delivered in 1985. The conviction was under Sections 467 and 471 IPC. In that case also, the long delay in the litigation process was one of the factors taken into consideration by this Court in reducing the sentence to the period already undergone."

12. Similarly, the Apex Court in the case of Surendran vs. Sub - Inspector of Police reported in AIR 2021 SC 3197 has held as under:-

"10. The incident took place on 16.02.1995 i.e. more than 26 years ago. It appears that appellant was throughout on the bail. The Trial Court after marshalling the evidence has recorded the conviction under Section 279, 338 and awarded sentence of imprisonment of six months and further sentenced to pay a fine of Rs.500/- under Section

11. We do not find any error in conviction recorded by the Trial Court. The conviction of appellant is affirmed, however, looking to the facts and circumstances of the present case specially the fact that 26 years have elapsed from the incident, we are inclined to substitute the sentence of six months imprisonment under Section 279 and 338 into fine. Six months sentence under Section 279 and 338 IPC are substituted by fine of Rs.1000/- each whereas sentence of fine under Section 337 IPC is maintained."

13. So far as the period of sentence is concerned and the nature of offence and the fact that petitioner who is aged about 38 years is facing the criminal proceedings since 20/03/2009 and the purpose would be served in case the jail sentence awarded to the petitioner is reduced to the period already undergone. However, the amount of fine is hereby enhanced upto Rs. 2,000/- for offence under section 379 of IPC, total enhanced amount is Rs. 2,000/- only.

14. In the result, this writ petition is partly allowed. The findings of conviction are hereby maintained with the modification to the extent that the jail sentence awarded to the petitioner is reduced to the period already undergone subject to depositing additional fine amount of Rs. 1,500/- within a period of two months, failing which, the petitioner shall suffer jail sentence awarded by the learned Court below. Petitioner is on bail. His bail bond stands discharged.

15. With the aforesaid modification, the instant writ petition stands disposed of.

16. All interlocutory applications, if any, stand disposed of.

Certified Copy as per rules.

(AMIT SETH) JUDGE Durgekar*