



2026:CGHC:15980



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 586 of 2016

1 - Madhusudan Netam S/o Late Bundel Ram Netam, Aged About 48 Years, R/o Darghan P.S. Gurur, District - Balod, (Chhattisgarh)

--- Applicant

versus

1 - State Of Chhattisgarh Through, Police Station Gurur District - Balod (Chhattisgarh)

--- Respondent

CRR No. 627 of 2016

1 - Lileshwarnath Yogi S/o Jhaduram Yogi Aged About 35 Years R/o Near Tenganpara, P.S. Gurur, District Balod, (Chhattisgarh)

---Applicant

Versus

1 - State Of Chhattisgarh Through Police Station Gurur, District Balod (Chhattisgarh)

--- Respondent

For Applicant in both the cases	:	Mr. Vidya Bhushan Soni, Advocate appears on behalf of Mr. B.P. Singh, Advocate
For Respondent/State in CRR No.586/2016	:	Mr. Rajkumar Sahu, PL
For Respondent/State in CRR No.627/2016	:	Ms. Avleen Juneja Gambhir, PL

Hon'ble Shri Justice Radhakishan Agrawal

Order on Board



08/04/2026

1. Since both the criminal revisions arise out of the judgment dated 21.06.2016, they are being heard together and disposed of by this common order.
2. Both these criminal revisions preferred by the applicants/accused under Section 397 read with Section 401 of Cr.P.C are directed against the judgment dated 21.06.2016 passed by the learned Second Additional Sessions Judge, Balod, District- Balod (C.G.) in Criminal Appeals No.23/2016 and 24/2016, whereby the learned appellate Court dismissed the appeals of the respective applicants while affirming the judgment dated 11.02.2016 passed in Criminal Case No.545/2014 by the Chief Judicial Magistrate, Balod, District- Balod (C.G.), whereby the applicants stand convicted and sentenced as under:-

Conviction	Sentence
Under Section 467 of Indian Penal Code (for short 'IPC').	RI for 03 years and fine of Rs.500/- each and in default thereof to suffer additional RI for 03 months.
Under Section 468 of IPC	RI for 03 years and fine of Rs.500/- each and in default thereof to suffer additional RI for 03 months.
Under Section 471 of IPC	RI for 03 years and fine of Rs.500/- each and in default thereof to suffer additional RI for 03 months.
Under Section 420/34 of IPC	RI for 03 years and fine of Rs.500/- each and in default thereof to suffer additional RI for 03 months.

(All the sentences were directed to run concurrently)



3. Case of the prosecution, in brief, is that on 15.04.2014, the complainant, Khamhanlal Sinha, Sarpanch of Gram Panchayat Tenganabarpara, lodged a written report (Ex-P/2) stating that the applicant/accused- Lileshwarnath Yogi (Rozgar Sahayak) and co-accused- Madhusudan Netam (Panchayat Secretary) tried to withdraw money from the Panchayat account in the Bank of Baroda by using a forged signed cheque. It was alleged that the cheque required the joint signatures of the Sarpanch and the Secretary, but the complainant had not signed any cheque on that day. On receiving information from the bank, the complainant reached there and found that his signature had been forged by Lileshwarnath Yogi, which was allegedly admitted by both the accused persons in the presence of bank staff. It was also alleged that the complainant was threatened with consequences if he lodged a complaint. Based on the written report, an FIR (Ex-P/7) was registered against the accused persons.
4. After investigation, charge-sheet was filed against the accused persons before the concerned trial Court. Accused persons abjured their guilt and prayed for trial.
5. The Court of CJM, after appreciation of oral and documentary evidence, convicted and sentenced the applicants as mentioned in para-1 of this order. The said judgment was challenged by the applicants in Criminal Appeal, however, the appellate Court vide judgment dated 21.06.2016 dismiss the Appeal while upholding the judgment of the trial Court. Hence, these revisions.
6. Learned counsel appearing for the applicants submits that he is not challenging the conviction part of the applicants and confines his argument to the sentence part only, which according to him is on



higher side. He submits that applicant- Madhusudan Netam remained in jail from 09.05.2014 to 18.11.2014 and thereafter from 21.06.2016 to 28.06.2016, i.e., for 201 days whereas applicant- Lileshwarnath Yogi remained in jail from 09.05.2014 to 18.11.2014 and thereafter from 21.06.2016 to 11.07.2016, i.e., for 213 days, they are facing *lis* since April, 2014 i.e., for more than 11 years and that there are no criminal antecedents against them. He further submits that fine amount has already been deposited with the concerned trial Court. He would further submit that no monetary benefit has been taken by the applicants. On these premises, it is prayed by counsel for the applicants that the jail sentence awarded to applicants may be reduced to the period already undergone by them.

7. On the contrary, learned State Counsel oppose the revision and support the impugned judgment.
8. I have heard learned counsel appearing on behalf of the parties and perused the record.
9. Considering the statements of P.W.-2 Khamanlal Sinha, P.W.-1 Vimal Kumar Bhuarya, P.W.-4 Arvind Verma and P.W.-11 Prakashchandra Trivedi and the other evidence available on record, I am of the considered opinion that both the learned Courts were right in convicting the applicants and I hereby affirm the same.
10. As regards the sentence part, considering the facts and circumstances of the case and further considering the fact that the applicants remained in jail for a period of 201 days and 213 days respectively, and are facing the *lis* since April, 2014 i.e., for more than 11 years and that there are no criminal antecedents against them, I am of the view that the ends of justice would be met if, while upholding the conviction



imposed upon applicants, the jail sentence awarded to them are reduced to the period already undergone by them. However, the fine amount imposed thereunder by the learned Courts shall remain intact. All the sentences are directed to run concurrently. Ordered accordingly.

11. Consequently, both the criminal revisions are partly allowed.
12. Since the applicants are reported to be on bail, their bail bond shall remain in force for a period of six months from today in view of provision of Section 481 of B.N.S.S. 2023.

Sd/-

(Radhakishan Agrawal)
Judge