



2026:CGHC:13649

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 252 of 2026**

Raghavendra Mishra S/o Sanjay Mishra Aged About 23 Years R/o  
Purbasrira, Tahsil - Manjhanpur, District- Kaushambi (U.P.)

**... Applicant****versus**

State Of Chhattisgarh Through The District Magistrate, Dhamtari,  
District- Dhamtari (C.G.)

**... Respondent**

(Cause-title is taken from CIS)

For Applicant	: Mr. Rudranath Mukherjee, Advocate
For Respondent/State	: Mr. Aman Tamrakar, Panel Lawyer

**Hon'ble Shri Justice Sanjay Kumar Jaiswal****Judgment on Board****23.03.2026**

1. This revision has been preferred under Section 438 r/w Section 442 of BNSS, 2023 challenging the impugned judgment dated 30.01.2026 passed by learned Sessions Judge, Dhamtari (C.G.), in Criminal Appeal No.42/2025, arising out of order dated 29.07.2025 passed by learned Judicial Magistrate 1<sup>st</sup> Class, District Dhamtari (C.G.) in Criminal Case No.836/2018, whereby the applicant has been convicted as under:-

<b><u>Conviction</u></b>	<b><u>Sentence</u></b>
Under Section 452 of IPC	6 months rigorous imprisonment and fine of Rs.1,000/-, in default thereof, 1 month's SI
Under Section 506	3 months rigorous imprisonment and

Part-II of IPC	fine of Rs.1,000/-, in default thereof, 1 month's SI
Under Section 323 of IPC	3 months rigorous imprisonment and fine of Rs.1,000/-, in default thereof, 1 month's SI
The sentences were directed to run concurrently	

2. The case of the prosecution is that the complainant/injured, Sandeep Rao Jadhav, a music teacher, was attacked by the accused, Raghavendra Mishra, at his music school on 31/05/2018. The accused, who had met the complainant earlier, entered the school by jumping over the wall, wearing a mask and carrying a brick. He assaulted the complainant, threatening to kill him, and hit him with the brick, causing injuries. The complainant managed to escape and raised an alarm, leading to the accused being chased and apprehended by locals. The accused was identified as Raghavendra Mishra, and the police were informed. The complainant was hospitalized for treatment. Based on above, a First Information Report was registered. During the course of the investigation, a site map was prepared. Statements of witnesses were recorded, the accused was arrested and after completion of investigation, charge sheet was filed.
3. During the course of trial, in order to bring home the offence, prosecution examined as many as 7 witnesses and exhibited 6 documents in support of its case. The statement of the applicant/accused was also recorded under Section 313 of Cr.P.C. in which he denied the circumstances appearing against him in the evidence brought on record by the prosecution, pleaded innocence and false implication.
4. Learned trial Court, after appreciation of oral and documentary evidence on record, convicted the applicant as mentioned in opening paragraph of this judgment which was affirmed by learned Appellate Court vide impugned judgment dated

30.01.2026, against which the present revision has been preferred by the applicant questioning the legality, validity and correctness of the impugned judgment.

5. Learned counsel for the applicant submits that he does not want to press the revision on merits and confines his arguments only on sentence part. He submits that the applicant was a priest, now aged about 31 years, and having family responsibilities. Out of 6 months of jail sentence, he has already remained in jail for about 72 days. The incident took place in the year 2018 and since then he is facing the *lis*. He has no criminal antecedents. Hence, by considering all these facts, the sentence of the applicant may be reduced to the period already undergone by him in the interest of justice.
6. Per contra, learned counsel appearing for the State, supported the impugned judgment and opposed the arguments advanced on behalf of the applicant.
7. Heard learned counsel for the parties and perused the record including the impugned judgment.
8. Having gone through the material available on record and the evidence of complainant/injured Sandeep Rao Jadhav (PW-1), Sanjay Netam (PW-2), Kirti Kishore Netam (PW-3) and Dr. Naveen Sahu (PW-7) and his report Ex.P-5, establish the involvement of the applicant in the crime in question. This Court does not find any illegality or infirmity in the finding recorded by the Trial Court, affirmed by the Appellate Court as regards the conviction and sentence of the applicant for offence punishable under Section 506 Part-II & Section 323 of IPC which is based on evidence available on record and it is hereby affirmed. This Court also does not find any illegality or infirmity in the finding recorded by the Trial Court, affirmed by the Appellate Court as regards the conviction of the applicant for offence punishable under Section 452 of IPC which is based on evidence available on record and it is hereby affirmed.

9. As regards the sentence for offence under Section 452 of IPC, in the matter of **Mohammad Giasuddin v. State of Andhra Pradesh** reported in **(1977) 3 SCC 287**, Hon'ble Supreme Court has observed that if you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him and, men are not improved by injuries and held in para-9 as follows:

"9. Western jurists and 'sociologists, from their own angle have struck a like note. Sir Samuel Romilly, critical of the brutal penalties in the then Britain, said in 1817:

"The laws of England are written in blood". Alfieri has suggested 'society prepares the crime, the criminal commits it'. George Nicodotis, Director of Criminological Research Centre, Athens, Greece, maintains that 'Crime is the result of the lack of the right kind of education.' It is thus plain that crime is a pathological aberration, that the criminal can ordinarily be redeemed, that the State has to rehabilitate rather than avenge. The sub-culture that leads to anti-social behaviour has to be countered not by undue cruelty but by re-culturation. Therefore, the focus of interest in penology is the individual, and goal is salvaging him for society. The infliction of harsh and savage punishment is thus a relic of past and regressive times. The human today views sentencing as a process of reshaping a person who has deteriorated into criminality and the modern community has a primary stake in the rehabilitation of the offender as a means of social defense. We, therefore consider a therapeutic, rather than an in 'terrorem' outlook, should prevail in our criminal courts, since brutal incarceration of the person merely produces laceration of his mind. In the words of George Bernard Shaw: 'If you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him and, men are not improved by injuries'. We may permit ourselves the liberty to quote from Judge Sir Geoffrey Streetfield: "If you are going to have anything to do with the criminal Courts, you should see for yourself the conditions under which prisoners serve their sentences."

10. In the light of the decision of the Hon'ble Supreme Court in the case of **Mohammad Giasuddin** (supra) and keeping in view the fact that the applicant is now aged about 31 years and having family responsibilities. He is a priest and has no criminal antecedents. He is facing the *lis* since 2018. He already remained in jail for about 72 days. Considering all these facts, this Court opines that justice would be served if the applicant's sentence is reduced from 6 months RI to 3 months RI.
11. Accordingly, the conviction and sentence of the applicant for offence under Sections 506 Part-II & 323 of IPC are maintained. The conviction of the applicant for offence under Sections 452 of IPC is also maintained and the sentence is reduced from RI for 6 months to RI for 3 months which will run concurrently. However, the fine amount and its default stipulation for the aforesaid Section shall remain intact.
12. The applicant has already undergone about 72 days of jail sentence. This period will set off to the period as imposed upon him today by this Court.
13. Consequently, the revision is **partly allowed** to the extent indicated hereinabove.
14. Let a certified copy of this judgment along with the original record be transmitted to the trial Court concerned. A copy of this judgment be also transmitted to the concerned Jail Superintendent where the applicant is serving his sentence, for information and necessary action.

**Sd/-**  
**(Sanjay Kumar Jaiswal)**  
**Judge**