

THE HON'BLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.1318 OF 2015

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the order, dated 11.06.2015, passed in C.F.R.No.549 of 2013 in C.C.No.235 of 2015 by the Court of the Judicial Magistrate of First Class, Manthani, Karimnagar District, whereby the learned Judge has refused to take cognizance for the offence under Section 354 IPC.

Heard and perused the material available on record.

The brief facts of the case are as follows. The petitioner herein has preferred a complaint before the Court below in C.C.No.235 of 2015 for the offences under Sections 384, 506, 504, 354 and 509 IPC, whereas the learned Magistrate passed an order taking cognizance for the offences under Sections 384, 504, 506 and 509 IPC, excluding the offence under Section 354 IPC. The learned Judge has not stated any reasons for not taking cognizance for the offence under Section 354 IPC.

Learned counsel for the petitioner submits that the statement of P.W.1 before the Court below certainly attract an offence under Section 354 IPC, whereas the learned Judge erroneously has not taken cognizance for the offence under Section 354 IPC. He also produced the statement of P.W.1 before this Court, which reads as under.

“On which the accused become furious and started abusing in more foul and filthy language by saying “you bitch, whether your anus is become fat, you being the Andhra lady, what would you do (what is the necessary to you) in Telangana in this age, what he (husband) will poke you in this age, if am I be Raghuran, I will cut your neck with blade and would come out from the Jail after imprisonment for ten years period and would enjoy this property and also enjoy you sexually. Hundred private goons are behind me, if this Bhanu Prakash or Raghuram would kill you, I will not protect you, or else, if you require, you may approach the Court by engaging the lawyer and arrange the Gunman and why you have approached the S.P. If you did not cancel the Will Deed, I will make nude you and roam you naked in the entire village. Thereafter, he forcibly taken photo copy of the Will Deed papers from the complainant

at that time several people were present including the list witnesses. Due to the acts of the accused, the complainant is much annoyed, insulted and suffered with mental agony, which is unable to express, in the presence of public and the action of the accused amounts to outrage the modesty of woman.”

To decide whether the statement of P.W.1 attracts an offence under Section 354 IPC or not, it is better to extract Section 354 IPC, which reads as under.

354. Assault or criminal force to woman with intent to outrage her modesty.- Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

On reading Section 354 IPC and statement of P.W.1, this Court is of the view that certainly it attracts an offence under Section 354 IPC. Even after issuance of notice to the second respondent, the second respondent has not appeared before this Court.

Considering the above facts and circumstances and also the statements, more particularly the statement of P.W.1, the complainant, the trial Court is directed to take cognizance of the case for the offence under Section 354 IPC also, in addition to the offences, which are already taken cognizance, against the second respondent herein and proceed in accordance with law.

The Criminal Revision Case is accordingly disposed of. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

12.10.2015

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