

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1522 OF 2010

ORDER:

The petitioners have 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 24.08.2010, passed in Criminal Appeal No.45 of 2008 by the Court of Special Sessions Judge-cum-IV Additional District Judge, Tirupati, whereby the learned Sessions Judge dismissed the criminal appeal by confirming the order dated 17.03.2008 passed in S.C.No.185 of 2006 by the Court of the Assistant Sessions Judge, Piler, whereby the learned Judge convicted the petitioners/A.1 to A.6 for the offence under Section 341 IPC, A.1 for the offence under Section 354 IPC and A.2 and A.3 for the offence under Section 324 IPC; and accordingly sentenced A.1 to A.6 to pay a fine of Rs.500/- (Rupees five hundred only) each, in default, to suffer simple imprisonment for a period of three months for the offence under Section 341 IPC; A.1 to suffer simple imprisonment for a period of five years and to pay a fine of Rs.500/- (Rupees five hundred only), in default, to suffer simple imprisonment for a period of three months for the offence under Section 354 IPC; and A.2 and A.3 to pay a fine of Rs.2,000/- (Rupees two thousand only) each, in default, to suffer simple imprisonment for a period of six months for the offence under Section 324 IPC.

The case of the prosecution is that the petitioners herein/A.1 to A.6 entered into the house of the victim girl, P.W.1 and caused injuries and also outraged the modesty of the victim girl.

To substantiate the case of the prosecution, P.Ws.1 to 7 were examined and Exs.P.1 to P.7 and M.Os.1 and 2 were marked. No oral evidence was adduced on behalf of the defence, but Ex.D.1 was marked.

On appreciation of oral and documentary evidence, the trial Court found A.1 guilty for the offence under Section 354 IPC, A.1 to A.6 for the offence under Section 341 IPC and A.2 and A.3 for the offence under Section 324 IPC and convicted and sentenced them as stated above. Aggrieved by the same, the petitioners/A.1 to A.6 preferred the criminal appeal and the lower appellate Court dismissed the said appeal. Against which, the present criminal revision case is preferred by the petitioners/A.1 to A.6.

Heard and perused the entire material available on record.

Learned counsel for the petitioners submits that even admitting the entire evidence of P.W.1 as true, the offence under Section 354 IPC is not attracted and further, there is no eye witness, except the victim girl, P.W.1 and that P.Ws.2 and 3 turned hostile.

As rightly pointed out by the learned counsel for the petitioners, even admitting the evidence of P.W.1 as true, it does not attract an offence of outraging the modesty of women, Section 354 IPC, by the petitioners/A.1 to A.6. The entire evidence would show that there was a quarrel between P.W.1 and the petitioners herein and during the course of that quarrel, they assaulted P.W.1 and as such, she sustained injuries and her saree and blouse were torn. To attract an offence under Section 354 IPC, the most important ingredient is that the accused should have an intention to outrage the modesty of woman. In this case, there is no intention on the part of the petitioners/A.1 to A.6 to outrage the modesty of the

victim girl, P.W.1 and that the incident happened during the course of quarrel. Hence, the conviction and sentence imposed on A.1 for the offence under Section 354 IPC is hereby set aside. The fine amount, if paid by A.1, for the said offence, is directed to be refunded to him.

Insofar as offences under Sections 341 IPC and 324 IPC are concerned, this Court is of the view that the evidence of P.Ws.1, 4 and 5, the Doctor, would show that the occurrence happened and the injuries caused on P.W.1. Hence, the conviction and sentence imposed on the petitioners/A.1 to A.6 for the offence under Section 341 IPC, and the conviction and sentence imposed on A.2 and A.3 for the offence under Section 324 IPC, by the trial Court, as confirmed by the lower appellate Court, are hereby confirmed.

The criminal revision case is accordingly disposed of. Consequently, the miscellaneous petitions, if any pending in this revision case, shall stand closed.

JUSTICE RAJA ELANGO

30.08.2016
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