

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.621 of 2004

Order reserved on : 27.01.2017

Order passed on : 16.02.2017

- Sheetal Uraon, S/o Deerpal Uraon, aged about 36 years, Caste- Uraon, Occupation- Agriculturist, R/o Village Dakwa, Chowki - Barion, PS Dhourpur, District Surguja (CG)
---- Applicant

Versus

- State of Chhattisgarh
---- Respondent

For Applicant : Shri CK Navrang, Advocate
For Respondent/State : Shri Suryakant Mishra, PL

Hon'ble Shri Justice Anil Kumar Shukla

CAV Order

1) This revision petition has been filed against the judgment dated 05.11.2004 passed by the First Additional Sessions Judge, Ambikapur, Surguja in Criminal Appeal No. 157 of 2004, whereby the learned Additional Sessions Judge has confirmed the judgment dated 10.08.2004 passed by the Judicial Magistrate First Class, Ambikapur in Criminal Case No.72 of 2004 convicting the applicant for the offence punishable under Section 354 of IPC and sentencing him to undergo six months' rigorous imprisonment with fine of Rs.500/- with default stipulation.

2) The prosecution case in brief is that on 29.12.2003 the prosecutrix/complainant had gone to attend a dinner at Kanwalsai's house with her husband and brother-in-law (Devar). On her return at about 7 pm, the applicant Sheetal Uraon caught hold of her hand

and molested her. When the prosecutrix/complainant tried to get rid of his possession, he slapped her and during the scuffle her bangles were broken, but there were no injuries. At that time, her husband and brother-in-law, who were going ahead from her, on her alarm, returned back and protected her. Then, the applicant left her and started quarrelling with them. Meanwhile, brother of the prosecutrix Sunil also came there. On 31.12.2003, the prosecutrix reported the incident to the Police at Police Chowki Bariyon, on the basis of which FIR (Ex.P/1) has been registered at Police Station Dhourpur, District Surguja and a criminal case was registered against the applicant for the offence punishable under Section 354 of the IPC. On completion of the investigation, the Police filed a charge sheet against the applicant before the Court of JMFC, Ambikapur. After framing of charge and recording of evidence, the offence was found proved and the applicant was convicted and sentenced as stated herein above. An appeal was preferred by the applicant against that judgment, which was dismissed. Hence, this revision petition.

3) Learned counsel for the applicant submits that the applicant is not challenging his conviction. He further submits that he confines his argument to the sentence part only and prays to reduce the jail sentence awarded to the applicant to the period already undergone by him as he has been facing the case against him since 2003. He was in jail for nearly two months and has been granted bail by this Court on 20.12.2004. Learned counsel for the

applicant has further submitted that the applicant has no previous antecedents, there was no previous enmity between the parties and he shall maintain a good behaviour in future, therefore, since the applicant has already served approximately two months' jail sentence, the same be reduced to the period already undergone by him with a reasonable enhancement of the fine amount.

4) Learned counsel for the State submits that after due appreciation of the evidence, learned Courts below have found the applicant guilty of the offence and no interference is called for by this Court.

5) It is not in dispute that the applicant is now about 50 years old; there is no criminal antecedent against him and the present offence is his first one, for which he faced trial, appeal and the present revision for the past 13 years. He remained in custody for nearly two months and the total sentence awarded to him is six months.

6) Considering all the facts and circumstances of the case, also considering the prayer of learned counsel for the applicant and in view of age of the applicant, as also considering his custody period as well as the period passed in trial, appeal and revision, I am of the considered opinion that ends of justice would be met if, while affirming the conviction, the jail sentence awarded to the applicant is reduced to the period already undergone by him. It would not be in the interest of justice to send him back to Jail after a long gap of 13 years.

7) Accordingly, on the basis of the aforesaid discussion, the revision filed by the applicant is hereby partly allowed. The conviction of the applicant under Section 354 of the IPC is hereby maintained and his jail sentence is reduced to the period already undergone by him. However, the amount of fine imposed upon the applicant by the impugned judgment is increased from Rs.500/- to Rs.2,000/-. In default of payment of fine, he shall suffer rigorous imprisonment for ten days. The fine amount of Rs.500/- already deposited by the applicant shall be adjusted in the amount of fine enhanced by this Court today.

8) It is reported that the applicant is on bail. His bail bonds are not discharged at this stage and shall remain operative for a further period of six months in view of the provisions contained under Section 437-A of the Cr.P.C.

Sd/-
(Anil Kumar Shukla)
JUDGE

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