

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.15 of 2006

Kripa Ram Kosre, S/o Shri Sagun Ram, aged about 27 years, Dhudhsidih,
P.S. Utai, District Durg, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the District Magistrate Durg, Chhattisgarh

--- Respondent

For Applicant	:	Smt. Indira Tripathi, Advocate
For State/Respondent	:	Smt. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

6.12.2017

1. This revision has been preferred under Section 397 read with Section 401 of the Code of Criminal Procedure against the judgment dated 29.12.2005 passed in Criminal Appeal No.80 of 2002 by the 4th Additional Sessions Judge, Durg by which the Learned Additional Sessions Judge has affirmed the judgment dated 27.2.2002 passed in Criminal Case No.72 of 1996 by the Judicial Magistrate First Class, Durg convicting and sentencing the Applicant as under:

<u>Conviction</u>	<u>Sentence</u>
Under Section 354 of the Indian Penal Code	Rigorous Imprisonment for 6 months

2. Case of the prosecution, in brief, is that on 2.5.1996 at about 6:30 p.m., Complainant Ku. Maheshwari (PW1) along with Ku. Lalita and Pramila went out to attend the call of nature. On the way, the Applicant caught hold the hands of Ku. Maheshwari with an intent to outrage her modesty. After returning home, all of them informed about the incident to the parents of Ku. Maheshwari. The matter was reported by her same day on the basis of which First Information Report (Ex.P1) was registered at Police Station Utai,

District Durg. On completion of the investigation, a charge-sheet was filed against the Applicant for offence punishable under Section 354 of the Indian Penal Code. Charge was framed against him under Section 354 of the Indian Penal Code.

3. After trial, the Trial Court convicted and sentenced the Applicant and the Appellate Court affirmed the judgment of conviction and sentence as mentioned in the first paragraph of this order. Hence, this revision.
4. Learned Counsel appearing for the Applicant submits that she does not press this revision on merit and confines her argument to the sentence part only. She further submits that out of the total jail sentence of 6 months, the Applicant has already undergone 10 days. He is facing the *lis* since 1996. He has no criminal antecedent. Therefore, the sentence awarded to him may be reduced to the period already undergone by him.
5. Per contra, Learned Counsel appearing for the State supported the impugned judgment.
6. I have heard Learned Counsel appearing for the parties and perused the record.
7. Having regard to the facts and circumstances of the case, I am of the considered opinion that the interest of justice would be served if, while upholding the conviction imposed upon the Applicant, he is sentenced with the period already undergone by him and fine of Rs.2,000/- is imposed upon him. Ordered accordingly. The amount of fine imposed today shall be payable within two months from the date of receipt of a copy of this order. In default of payment, he shall be liable to undergo simple imprisonment for 1

month.

8. Consequently, the revision is allowed in part to the extent indicated above.
9. Records of the Courts below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge