

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.498 of 2005**

Mukund Sahu, S/o Santram Sahu, aged about 34 years, R/o Village Uparwara, Thana Abhanpur, District Raipur, Chhattisgarh

---- **Applicant**

versus

State of Chhattisgarh through District Magistrate, Raipur, District Raipur, Chhattisgarh

--- **Respondent**

For Applicant	:	Shri Sachin Singh Rajput, Advocate
For State/Respondent	:	Shri Rahul Tamaskar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

4.12.2017

- This revision has been preferred under Section 397 read with Section 401 of the Code of Criminal Procedure against the judgment dated 10.11.2005 passed in Criminal Appeal No.226 of 2005 by the 1st Additional Sessions Judge, Raipur by which the Learned Additional Sessions Judge has affirmed the judgment dated 6.8.2005 passed in Criminal Case No.2127 of 2004 by the Chief Judicial Magistrate, Raipur convicting and sentencing the accused/Applicant as under:

<u>Conviction</u>	<u>Sentence</u>
Under Section 451 of the Indian Penal Code	Rigorous Imprisonment for 6 months and fine of Rs.250/- with default stipulation
Under Section 354 of the Indian Penal Code	Rigorous Imprisonment for 6 months and fine of Rs.250/- with default stipulation

- Case of the prosecution, in brief, is that on 23.8.2000 at about 2:30 p.m., Complainant Ushabai (PW1) was present inside her house and was sleeping alone. The Applicant entered her house and bolted the door of the house from inside. It is alleged that the

Applicant pressed her neck and breast and tried to pull her towards *Kothar*. She shouted and pushed him away. Khedinbai (PW2) and Devi (PW4) came there. The Applicant ran away from the back door of the house. First Information Report (Ex.P1) was lodged by the Complainant in Police Station Abhanpur. On completion of the investigation, a charge-sheet was filed against the Applicant for offences punishable under Sections 452, 354, 323, 454 of the Indian Penal Code. Charges were framed against him under Sections 452, 323 and 354 of the Indian Penal Code.

3. In support of its case, the prosecution examined as many as 6 witnesses. Statement of the Applicant was also recorded under Section 313 of the Code of Criminal Procedure in which he denied the circumstances appearing against him, pleaded innocence and false implication. No witness has been examined in defence of the Applicant.
4. 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.
5. Learned Counsel appearing for the Applicant submits that he does not press this revision on merit and confines his argument to the sentence part only. He further submits that out of the total jail sentence of 6 months, the Applicant has already undergone about 18 days. He is facing the *lis* since 2000, i.e., for about 17 years. He has no criminal antecedent. Therefore, the sentence awarded to him may be reduced to the period already undergone by him.
6. Per contra, Learned Counsel appearing for the State supported the

impugned judgment.

7. I have heard Learned Counsel appearing for the parties and perused the record minutely.
8. Considering the above facts and circumstances of the case, I am of the opinion that the ends of justice would be met if, while upholding the conviction imposed upon the Applicant, he is sentenced with the period already undergone by him and the fine imposed upon him for the offence under Section 451 of the Indian Penal Code is enhanced to Rs.3,000/- and for the offence under Section 354 of the Indian Penal Code the fine is enhanced to Rs.3,000/-. Ordered accordingly. The enhanced amount of fine shall be payable within two months from the date of receipt of a copy of this order. In default of payment, the Applicant shall be liable to undergo simple imprisonment for 3 months. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.
9. Consequently, the revision is allowed in part to the extent indicated above.
10. 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