

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRA No. 9 of 2012**

(Arising out of judgment/order dated 01.10.2011 in Special Trial No. 34 of 2006 passed by learned Special Judge (SC and ST Act), Dhamtari (CG))

- Jhamman Lal Sahu, aged about 32 years, S/o Mannu Lal Sahu, Occupation Agriculturist/labour, R/o Village Khapari, PS Bhakhara, District Dhamtari (CG)

---- **Petitioner****Versus**

- State Of Chhattisgarh, Through PS Bhakhara, District Dhamtari (CG)

---- **Respondent**


---

|                       |                                                                      |
|-----------------------|----------------------------------------------------------------------|
| For Appellant         | Mr. F.S. Khare, Advocate on behalf of Ms. Somshukla Sarkar, Advocate |
| For Respondent /State | Mr. Sameer Behar, Panel Lawyer                                       |

---

**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****9/9/2017**

1. Heard.
2. The appellant in this appeal is convicted under Sections 341, 323, 506-B & 354 of IPC read with Section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and sentenced to undergo SI for 15 days and fine of Rs.200/-, in default of payment of fine, to further undergo SI for 3 days; RI for six months and fine of Rs.300/-, in

default of payment of fine, to further undergo RI for 15 days; RI for 3 years and fine of Rs.1000/-, in default of payment of fine, to further undergo RI for 3 months; and RI for four years and fine of Rs.1000/-, in default of payment of fine, to further undergo RI for 03 months, with a further direction to run all the sentences concurrently.

3. During trial, the appellant was initially released on bail, but remained absconding for about 4 years. On the date of the impugned judgment, the appellant was in jail and till that date, he had spent 7 months and 18 days of incarceration. After the judgment dated 01.10.2011, the appellant has not been released on bail by this Court, therefore, the appellant has already served out the entire jail sentence.
4. It is the prosecution case that on 13.4.2006, at about 11:30 AM, the appellant wrongfully restrained the prosecutrix, a member of the Scheduled Caste Community, criminally intimidated and caused simple hurt to her with an intent to humiliate the said member of the Scheduled Caste. The prosecutrix lodged prompt FIR at 12:45 p.m. i.e. after about one hour of the incident.
5. While examined in the Court as PW-1, the prosecutrix has fully supported the prosecution case by stating that when she was coming back after the bath from the village pond, the appellant catch hold of her hand, took out the sickle and criminally intimidated her and thereby, outraged her modesty. When Devcharan tried to interfere, the appellant also threatened him.

On alarm being raised by one Devcharan, villagers Narayan Sahu, Kanhaiya Sahu and Vidrendra Sahu assembled at the place of occurrence. Narayan Sahu has been examined as PW-3, whereas, Devhcaran has been examined as PW-5. Both the witnesses have supported the version put-forth by the prosecutrix.

6. Considering the testimony of the prosecutrix herself, duly supported by the other independent witnesses, the prosecution has fully proved its case.
7. Mr. FS Khare, learned counsel for the appellant, would make an effort to draw attention of this Court to some contradictions and omissions, however, the said contradictions and omissions are not of substantial nature affecting the basic prosecution case.
8. In my considered view, there is no substance in this appeal warranting interference with the impugned conviction and sentence of the appellant. Thus, the appeal, in which, the appellant has otherwise served out the entire jail sentence, deserves to be and is hereby dismissed.

Sd/-

Judge

**(Prashant Kumar Mishra)**