

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 2532 of 1999**

Rohit Kumar S/o Bhagwat Prasad Kurre, Aged about 18 years, Occupation- Student, R/o Village- Surholi, Police- Station- Berla, Tehsil- Bemetara, District- Durg (M.P.).

--- Appellant**Versus**

The State of Madhya Pradesh (Now Chhattisgarh).

---- Respondent

For Appellant	:	Mr. Suresh Tandon, Advocate
For Respondent	:	Mr. N.K. Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board**08/08/2018**

1. This appeal has been preferred against the judgment dated 28/08/1999 passed by the Additional Sessions Judge, Bemetara in S.T. No. 295/1998, convicting the accused/appellant under Section 363 of the IPC and sentenced him to undergo RI for 3 years and to pay fine of Rs. 500/- with default stipulation.
2. Facts of the case, in brief, are that at the relevant time, the appellant was a student of Class-10 and daughter of Sadik Ram was studying in 9th Class in the same school. It is alleged that on 24/07/1998, when the prosecutrix (PW1) went to purchase some articles to the shop of one- Santosh Sahu, at that time the present applicant was there with his bicycle. The applicant, by alluring offered her to sit on his bicycle,

which the prosecutrix refused. The applicant gave the threatening to kill, then the prosecutrix sat on his bicycle and went with him to village- Piroda. Thereafter, both went to village- Dhor. After returning of the prosecutrix (PW1), FIR was lodged. After investigation, a charge-sheet under Sections 363, 366 and 506-B of the IPC was submitted before the trial Court and charges were framed.

3. To prove the guilt of the accused/appellant, the prosecution examined as many as 9 witnesses. No defence witness was examined. Statements of accused/Appellant was recorded under Section 313 Cr.P.C, wherein he denied all the charges, pleaded his innocence and false implication.
4. After trial, the trial Court has acquitted the appellant from the charge under Sections 366 and 506-B of the IPC and convicted him under Section 363 of the IPC and sentenced him as mentioned in the first paragraph of this judgment. Hence, this appeal.
5. Learned Counsel appearing for the appellant submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. It is further submitted that the incident is of the year 1998, the appellant is facing this *lis* since 20 years, out of total jail sentence of 3 years, the appellant, in total, has undergone about 1 month 4 days, at the time of incident the appellant was student and he has no criminal antecedent, therefore, the jail sentence awarded to the him may be reduced to the period already undergone by him.
6. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the

trial Court is just and proper and requires no interference.

7. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
8. Considering the above facts and circumstances, particularly considering that out of total jail sentence of 3 years, the appellant has undergone about 1 month 4 days, he is facing this *lis* since 1998, I am of the considered opinion that the ends of justice would be met if, while upholding the conviction imposed upon the appellant, the jail sentenced awarded to him is reduced to the period already undergone by him.
9. Consequently, the appeal is partly allowed. The conviction imposed upon the appellant is affirmed and the jail sentence awarded to him is reduced to the period already undergone by him. The fine sentence is also affirmed.
10. It is reported that the appellant is on bail. Their bail bond is not discharged at this stage and the same shall remain operative for a further period of 6 months in view of the provisions contained in Section 437-A of Cr.P.C.
11. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge