

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 352 of 2005

Order reserved on 19.11.2018

Order delivered on 17.12.2018

Lal Sai S/o. Pratap Singh, Aged about 30 years, R/o. Village Amjhar, P.S. Pasaan, District Korba (C.G.)

---- **Applicant**

Versus

State of Chhattisgarh, Through Police Station Korba District Korba (C.G.)

---- **Respondent**

For Applicant : Mr. Manoj Mishra, Advocate.
For Respondent : Mr. M. Asha, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

CAV Order

By the judgment under challenge passed on 12.08.2005 by Additional Sessions Judge Korba, in Criminal Appeal No. 09 of 2005, the findings recorded by the learned Judicial Magistrate First Class Katghora, convicting the accused/applicant under Sections 456 and 354 IPC and sentencing him to undergo RI for six months with fine of Rs. 500/- under section 456 and RI for three months with fine of Rs. 500/- under section 354 IPC, have been affirmed.

2. Facts of the case, in short, are that on 29.03.2002 at 12 mid-night the accused/applicant gained an entry in the house of prosecutrix (PW-2) in order to outrage her modesty. On report

being lodged by her, an offence under Sections 456 and 354 IPC was registered against him and after completion of investigation charge sheet was filed.

3. Learned Magistrate having perused the material before it convicted the accused/applicant under Sections 456 and 354 IPC and sentenced him as above, which on appeal has been affirmed by the judgment impugned. Hence, this revision.

4. Conviction is not being pressed on merit and the sole prayer made by the counsel for the applicant is confined to reduction of sentence imposed on the accused/applicant to the period already undergone on account of the fact that the case is quite old and the accused/applicant has already remained in jail for some time.

5. State counsel however, supports the findings recorded by the both the Courts below.

6. Heard learned counsel for the parties and perused the judgment impugned and the evidence available on record carefully.

7. From the statement of the prosecutrix (PW-2), her son (PW-3) as also her brother-in-law (PW-4), it is evident that on the date of incident the accused/applicant committed a house trespass in the night hours in order to outrage her modesty, and therefore, the findings of conviction recorded by both the Courts below appear to be fully justified. It is hereby maintained.

8. As regards sentence, keeping in view the fact that the incident had taken place in the year 2002, that the accused/applicant has

already remained in jail for a period of seventeen days and further that by now he must be leading a well settled life saddled with innumerable responsibilities, this Court thinks it proper to reduce the sentence imposed on him to the period already undergone. Order accordingly.

9. With the above, the revision stands allowed in part.

Sd/-

(Vimla Singh Kapoor)

JUDGE

Jyotishi/Santosh