

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 598 of 2006**

(Arising out of judgment dated 25.09.2006 in CRA No.84/2006 of the learned 1st Additional Sessions Judge, Mahasamund)

- Sant Kumar, Age 38 years, S/o Shri Degree Lal, By Caste Aghariya, By Profession Farmer, R/o Village Rachpalpur ka Tukada, P.S. Basna, Tahsil & District Mahasamund (CG)

---- Applicant

Versus

- State Of Chhattisgarh, through the Collector, District Mahasamund (CG)

---- Respondent

For Applicant : Shri JA Lohani, Advocate.
For Respondent : Shri Wasim Miyan, Panel Lawyer.

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

23/03/2018 :

1. The applicant has been convicted concurrently by the trial Court as well as by the appellate Court for committing offence under Sections 354 and 457 of the IPC. While the trial Court had awarded sentence of RI for one year and fine of Rs.200/- for each of the offence, the appellate Court reduced the sentence to RI for 3 months and enhanced the fine amount to Rs.500/- for each of the offence.
2. The applicant has committed the house breaking in the night in order to

commit offence of outraging the modesty of the prosecutrix, as he entered the house of the prosecutrix at about 9 pm on 16.9.2004 and outraged her modesty by catching hold of her hands and tearing the blouse.

3. The FIR was lodged on the next day of the offence, therefore, there is no delay in lodging the FIR. The prosecutrix, who was examined as PW-1, has stood firm in her deposition and her statement is duly supported by her husband Tekeshwar Nayak (PW-2). The prosecution case is also supported by Ranjit (PW-3) and Fannilal (PW-4), who are neighbours. After committing the offence, the applicant tried to flee during which his Lungi was snatched by husband of the prosecutrix, which was recovered in course of investigation and has been proved by (PW-5) Jalendhar.
4. Having examined the evidence, I am not convinced with the argument raised by learned counsel for the applicant that the finding of guilt suffers from any perversity. All the witnesses examined by the prosecution have fully supported the version of the prosecutrix. Therefore, the applicant's conviction for both the offences is maintained.
5. The applicant has remained in jail for about one day during trial and from 25.9.2006 to 10.11.2006 during the pendency of the present Revision Application. Thus, he has already undergone one and half

months of jail sentence. Considering the fact that the offence has taken place about 12 years back and the applicant has already suffered half of the jail sentence awarded by the appellate Court, ends of justice would be served if the sentence is reduced to the period already undergone.

6. In the result, the Revision is allowed in part. The applicant's conviction under Sections 354 and 457 of the IPC is maintained, however, sentence is modified to the period already undergone.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve