

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 141 of 2013**

Firat Ram S/o Ghurau Ram, aged about 25 years, R/o Village- Masniya Khurd,
Police Station Sakti, District Janjgir-Champa (C.G.).

---- Applicant**Versus**

State of Chhattisgarh, through District Magistrate, Janjgir, District Janjgir-
Champa (C.G.)

---- Respondent

For Applicant	:	Mr. Surfaraj Khan, Advocate
For Respondent	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**26/11/2018**

1. This revision has been preferred against the judgment dated 23/02/2013 passed in Criminal Appeal No. 103/2010 by the First Additional Sessions Judge, Sakti, District Janjgir-Champa (C.G.) arising out of judgment dated 29/03/2010 passed in Criminal Case No. 1677/2001 by the Judicial Magistrate First Class, Sakti convicting the accused/Applicant under Sections 456 & 354 of the IPC and sentenced him to undergo RI for 6 months with fine of Rs. 500/- and RI for 3 months, respectively with default stipulation.
2. As per prosecution story, Complainant (PW1) is a married lady who was residing with her husband and children at Village Masniya Khurd. On 23/09/2001, her husband had gone for some work at Raigarh. It is alleged that at about 11 pm, when the Complainant was sleeping

along with her children in her room, the Applicant entered into the house of the Complainant and tried to outrage her modesty. When she raised alarm by screaming, her father-in-law came there and he also saw that the Applicant fled away from there. In the next morning, the incident was narrated to the villagers. When her husband returned, the Complainant informed him about the incident. A report in this regard was made at Police Station Sakti. After investigation, a charge-sheet was filed and the charges were framed.

3. After trial, the learned Judicial Magistrate First Class has convicted and sentenced the Applicant as mentioned in the first paragraph of this order, which was also affirmed by the Appellate Court. Hence, this revision.
4. Learned Counsel appearing for the Applicant submits that he does not want to press this revision on merits and confines his argument to the sentence part only. He further submits that the incident is of the year 2001, the Applicant is facing the *lis* since 17 years, out of total jail sentence of 6 months the Applicant has undergone about 12 days and there is no known criminal antecedent against him, therefore, the jail sentence awarded to the Applicant may be reduced to the period already undergone by him.
5. 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.
6. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.

7. Considering the above facts and circumstances, particularly considering that out of total jail sentence of 6 months, the Applicant has undergone about 12 days and he is facing the *lis* since 2001, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Applicant, the jail sentenced awarded to him is reduced to the period already undergone by him and the fine imposed upon the Applicant under Sections 456 and 354 IPC is enhanced to Rs. 8000/- and Rs. 4000/-, respectively. Ordered accordingly. The enhanced amount of fine shall be payable within 1 month from the date of receipt of a copy of this order. In default of payment under each Sections, the Applicant shall be liable to undergo RI for 2 months. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.
8. Consequently, the revision is partly allowed to the extent indicated above.
9. It is reported that the Applicant/accused is on bail. His 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 the Code of Criminal Procedure.
10. 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