

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 510 of 2004

Order reserved on 26.09.2018

Order pronounced on 03.12.2018

1. Ravi Singh Sidhhu son of Sardar Krishna Singh, aged about 25 years, R/o Sadar Road, Ambikapur, District Sarguja, CG

--- Applicant

Versus

1. State of Chhattisgarh through PS Ambikapur, District Sarguja, CG

--- Respondent

For Applicant	-	Shri Rakesh Pandey, Advocate.
For Respondent	-	Smt. M. Asha, PL

Hon'ble Smt. Vimla Singh Kapoor, J.

CAV Order

By this revision petition the applicant has assailed the judgment dated 31.07.2004 passed by Sessions Judge, Sarguja (Ambikapur) in Criminal Appeal No. 226/2003 affirming the judgment dated 30.04.2003 passed by Judicial Magistrate First Class, Ambikapur in Criminal Case No. 269/1999 convicting the accused/applicant under Section 509 IPC and sentencing him to pay fine of Rs. 200/-.

2. Facts of the case in short are that on 24.08.1999 when the prosecutrix (PW-4) was in her class, the accused/applicant insulted her by whistling, making gesture and also by passing on unbecoming and taunting comments at her by standing outside the classroom. She complained the matter to the principal of the

college and eventually the report (Ex.P-1) was lodged against the accused/applicant and he was prosecuted.

3. After examining the material available on record and the evidence of the witnesses the trial Court convicted the accused/applicant under Section 509 IPC and imposed the sentence as described above. The findings recorded by the trial Court convicting and sentencing the accused/applicants have subsequently been confirmed by the lower Appellate Court by the judgment impugned and it is that which is under challenge in this revision.

4. Counsel for the accused/applicant submits that both the courts below have committed an error in convicting the accused/applicant under Section 509 IPC though the ingredients thereof are not attracted to the case of the prosecution. Apart from holding the conviction to be bad in law, he further submits that the accused/applicant is entitled for compensation of Rs.10,00,000/- on the ground that his fundamental right to life and liberty enshrined under Article 21 of the Constitution of India has been infringed on account of a false report lodged by prosecutrix (PW-4).

5. On the other hand, counsel for the respondent/State supports the judgment impugned as a whole and submits that looking to the evidence of the prosecutrix (PW-4) which has been duly corroborated by PW-2 and PW-3, the conviction of the accused/applicant under Section 509 IPC is just and proper.

6. Heard counsel for the parties and perused the evidence on record.

7. Evidence of prosecutrix (PW-4) shows that the accused/applicant had offered to develop friendship with her, for which she had even scolded him. Subsequent to this also the accused/applicant is stated to have been continuously ogling and stalking her which made her feel insulting and humiliating. She has also stated that while the class was going on, the accused/applicant had passed ugly gestures at her by standing outside the classroom. PW-3 has also stated that the prosecutrix had informed him about the fact that the accused/applicant had whistled at her and thus tried to tease her. According to him, on receiving the complaint from the prosecutrix, the matter was even kept in the disciplinary committee of the college and the accused/applicant was warned for not repeating his act in the future. Though PW-2 has expressed his ignorance about any such happening yet he has stated that as the prosecutrix used to drive jeep, other students including the accused/applicant did not like this and they had expressed their anger for that. This Court does not see any force in the argument of the counsel for the accused/applicant that as the prosecutrix was the daughter of a District Judge, a false case has been registered against him, for the reason that PW-4 has been quite consistent in putting forth her case which gets corroboration from PW-2 and PW-3 also.

8. Thus it is evident from the evidence of the witnesses that the accused/applicant made whistling and passed on unbecoming gestures at the prosecutrix with an intention to insult her and

therefore the findings recorded by the Court below are fully justified. No interference with the judgment impugned is called for in this revision. It is accordingly dismissed.

Sd/-

(Vimla Singh Kapoor)
Judge

Jyotishi