

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 541 of 2006**

Raj Sharma @ Pradeep Sharma S/o Hemant Sharma, Aged about 26 years, R/o- Sakin- Kherbana Kala, Thana & Tehsil- Karwada, Distt. Kabirdham (C.G.)

----Applicant**Versus**

The State of Chhattisgarh, through Station House Officer, Kawardha, District- Kabirdham (C.G.).

---- Respondent

For Applicant	:	Mr. C.K. Kesharwani, Advocate
For Respondent	:	Mr. Sameer Behar, PL

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****08/01/2018**

- This revision has been preferred under Section 397 read with Section 401 of the Code of Criminal Procedure against the judgment dated 24/08/2006 passed in Criminal Appeal No. 16/2006 by the Sessions Judge, Kabirdham (Kawardha), whereby, the Learned Sessions Judge has affirmed the judgment dated 24/05/2006 passed in Criminal Case No. 394/2005 by the Judicial Magistrate First Class, Kabirdham (Kawardha) convicting and sentencing the accused/Applicant as under:

<u>Conviction</u>	<u>Sentence</u>
Under Section 354 of the IPC	1 month RI and fine of Rs. 1000 with default stipulation.

- Case of the prosecution, in brief, is that on 15/12/2003, at about 7 p.m., Complainant- Chandrika Bai was fetching out water from the well which

was situated in front of her house. At that time, accused/applicant, having seen that no one was around there, came there and asked her to come alone outside the village. The complainant refused. Thereafter, the accused caught her hand and said that "*Aaj Main Tumhe Nahi Chhodunga, Bejjat Karke Rahunga*". On this, the complainant shouted "Bachao Bachao". Having heard her shouts, Bhillu Sahu, Kallu Sahu, Gyan Bai and Dheeraj Shukla came there and set the complainant free from the grip of accused/Applicant. Later on, Chandrika Bai (Complainant) lodged the First Information Report at Police Station, Kawardha. After investigation, a charge-sheet under Section 354 of IPC was filed against the accused/Applicant. Charge was framed under Section 354 of the India Penal Code.

3. In support of its case, the prosecution has examined as many as 10 witnesses. Statement of the Applicant was also recorded under Section 313 of the Code of Criminal Procedure in which he denied the allegation made against him, pleaded innocence and false implication. No witness has been examined in his defence.
4. After trial, the Trial Court convicted and sentenced the Applicant and the Appellate Court affirmed the judgment of conviction and sentenced as mentioned in the first paragraph of this order. Hence, this revision.
5. Learned Counsel appearing for the Applicant submits that he does not press this revision on merit and confines his argument to the sentence part only. He further submits that out of the total jail sentence of 1 month, the Applicant has already undergone about 16 days. He is facing the */is* since 2003 i.e. for about 14 years and he has no criminal antecedent.

Therefore, the sentence awarded to him may be reduced to the period already undergone by him.

6. Per contra, learned Counsel appearing for the State supported the impugned judgment
7. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
8. Considering the facts and circumstances of the case, particularly, considering that the applicant has already undergone about 16 days out of the total jail sentence of 1 month, he is facing the *lis* since 2003 and he has no known criminal antecedent, I am of the opinion that the ends of justice would be met if, while upholding the conviction imposed upon the Applicant, he is sentenced with the period already undergone by him and the sentence of fine imposed upon him is affirmed. Ordered accordingly.
9. Consequently, the revision is partly allowed to the extent indicated above.
10. Records of the Courts below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-

(Arvind Singh Chandel)
Judge