

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 35 of 2008

Judgment reserved on 01.10.2018

Judgment delivered on 05.12.2018

Gouri Bai, Wd/o. Late Jagita Satnami, Aged about 40 years, R/o. Village Salverarapara, P.S. and District Dhamtari (C.G.)

----Applicant

Versus

State of Chhattisgarh, Through P.S. City Kotwali, Dhamtari (C.G.)

---- Respondent

For Applicant : Mr. Vishnu Muni, Advocate

For Respondent/ State : Ms. M. Asha, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

CAV Judgment

1. This revision is directed against the judgment of conviction and order of sentence dated 07.01.2008 passed by the Additional Sessions Judge (FTC) Dhamtari District Dhamtari in Criminal Appeal No. 19 of 2007, affirming the judgment of conviction and order of sentence dated 23.08.2007 passed by the Judicial Magistrate, First Class, Dhamtari in Criminal Case No. 289/2006, convicting and sentencing the accused/applicant as under:-

Applicant	Conviction	Sentence
Gouri Bai	292 2(K) IPC	RI for 3 months with fine of Rs. 1000/- with default

		stipulations
--	--	--------------

2. Case of the prosecution, in brief, is that on 03.05.2002 at 23.30 PM a raid was conducted by the Police Station of Police Dhamtari under the Peta Act and during the raid one V.C.D. and video cassette of obscene pictures were seized from the possession of the applicant, thereafter the matter was investigated and the charge sheet was filed before the trial Court.

3. Having taken note of the material on record the Trial Court convicted and sentenced the applicants as mentioned above which subsequently has been affirmed by the lower appellate Court by the judgment impugned. Hence, this revision.

4. Learned Counsel appearing for the applicant submits that he is not pressing this revision on merit and confining his argument to the sentence part thereof only. According to him, as the incident had taken place in the year 2002 and that she has already remained in jail for a period of one month and six days, no useful purpose would be served in again sending her to jail, and therefore, the sentence imposed upon her may be reduced to the period already undergone by her.

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

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

7. Though there is prayer only in respect of sentence part of the judgment impugned, this Court is required to deal with the conviction part thereof as well on merit.

8. On analyzing the case put fourth by the prosecution and the evidence adduced by it, it comes to the fore that on the date of incident a raid was conducted under the Peta Act and from the possession of the applicant one V.C.D and video cassette of obscene picture was seized from her. Thus, the Court below has not committed any illegality in convicting the accused/applicant under Section 292 (2)(K) and it is hereby maintained.

9. As regards sentence, keeping in view the fact that the incident had taken place about 16 years back and by now the applicant must be leading a well settled life bearing the burden of her responsibilities, this Court is of the opinion that it would be in the interest of justice to reduce the sentence to the period already undergone by her. Order accordingly.

10. Resultantly, the revision is hereby allowed in part with the modification in the judgment impugned as above.

Sd/-
(Vimla Singh Kapoor)
JUDGE