

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 437 of 2005**

Sanjivan S/o Dadu Mahar, Aged about 38 years, R/o Village Karvari, P.S. Dongargarh, Dist:- Rajnandgaon (C.G.).

----Applicant**Versus**

State of Chhattisgarh through the District Magistrate, Rajnandgaon (C.G.).

---- Respondent

For Applicant	:	Mr. Keshav Dewangan, Advocate
For Respondent	:	Mr. Sumit Jhanwar, PL

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****21/06/2018**

1. This revision has been preferred under Section 397 read with 401 of Cr.P.C against the judgment dated 06/09/2005 passed in Criminal Appeal No. 11/2005 by the Sessions Judge, Rajnandgaon, whereby the Sessions Judge has maintained the order of conviction of the applicant passed in Criminal Case No. 216/2001 by the ACJM on 20/01/2005, convicting the applicant under Sections 451 & 354 of IPC and sentenced him to undergo SI for 6 months with fine of Rs. 1000/- and SI for 6 months with fine of Rs. 1000/-, respectively with default stipulations.
2. Case of the prosecution, in brief, is that on 23/06/2001 at about 11:30 pm, complainant/prosecutrix (PW1), aged about 15 years had lodged a FIR (Ex.P-1) in Police Station, Dongargarh alleging that on 23/06/2001 at about 5:00 pm, when she was alone at her house, the applicant/accused entered into her house with an intention to outrage her modesty and caught hold her hand by using criminal force. The complainant rescued

herself and told the applicant that she will intimate the incident to her mother and father, on which the applicant/accused fled away. After return of her mother and father, the complainant narrated the incident to both of them. On the basis of said report, offence under Sections 452 and 354 of IPC was registered. After investigation, a charge-sheet was filed before the Trial Court. The learned ACJM has convicted the accused/applicant for the offence punishable under Sections 451 and 354 of IPC and sentenced him as mentioned in para 1 of this order, which was also affirmed by the learned Appellate Court vide judgment dated 06/09/2005. Thereafter, this revision has been preferred by the present applicant.

3. Learned Counsel appearing for the applicant submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. He further submits that the matter is of the year 2001, and the applicant is facing the *lis* since last 17 years. It is further submitted that the applicant has remained in custody for about 1 month out of total jail sentence of 6 months and there is no previous antecedent of the applicant, therefore, he prays that the jail sentence awarded to the applicant may be reduced to the period already undergone by him.
4. 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.
5. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
6. It is not in dispute that the matter relates to the year 2001 and the applicant is facing the *lis* since last about 17 years. Moreover, the

applicant has undergone about 1 month of jail sentence out of total jail sentence of 6 months.

7. Considering the above facts and circumstances, I am of the considered opinion that the ends of justice would be met if, while upholding the conviction imposed upon the applicant, the jail sentence awarded to him is reduced to the period already undergone by him, however, the fine sentences imposed upon him is enhanced from Rs. 1000/- to Rs.5,000/- under Section 451 of IPC and from Rs. 1000/- to Rs. 5000/- under Section 354 of IPC. Ordered accordingly. The enhanced amount of fine shall be payable within one month from the date of receipt of a copy of this order. In default of payment, the applicant shall be liable to undergo SI for 1 month. 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 extend indicated above.
9. It is reported that the applicant 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 Cr.P.C.
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