

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 331 of 2006**

Shatrughan S/o Nandu Satnami, Aged about 35 years, R/o Village Chakave, Thana Kharora, District- Raipur (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. Krishna Kumar Dewangan, Advocate
For Respondent	:	Mr. Sameer Behar, PL

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****10/01/2018**

- This revision petition has been preferred under Section 397 read with Section 401 of the Code of Criminal Procedure against the judgment dated 19/05/2006 passed in Criminal Appeal No. 87/2006 by the Sessions Judge, Raipur, whereby, the Learned Sessions Judge has affirmed the judgment dated 26/04/2006 passed in Criminal Case No. 742/2005 by the Judicial Magistrate First Class, Raipur convicting and sentencing the accused/Applicant as under:

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

- Case of the prosecution, in brief, is that complainant- Laxmi Bai lodged a report at P.S. - Kharora, District- Raipur alleging that on 18/05/2003, at

about 5:30 a.m., when she had gone for attending the call of nature beside the agricultural field of the accused/Applicant, the Applicant caught her hand in order to outrage her modesty. She told regarding the incident to her “Mama” (maternal uncle) and “Mami” (maternal aunt). After returning of her husband, father-in-law and mother-in-law, she lodged report (ExP-1). The matter was investigated by the police, charge-sheet under Section 354 of IPC was submitted.

3. After trial, the Applicant/accused has been convicted and sentenced and the said conviction and sentence has been affirmed as mentioned in the first paragraph of this order. Hence, this revision.
4. 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 year, the Applicant has already undergone about 80 days. He is facing the *lis* since 2003 i.e. for about 15 years. He has no criminal antecedent. Therefore, the sentence awarded to him may be reduced to the period already undergone by him.
5. Per contra, learned Counsel appearing for the State supported the impugned judgment
6. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
7. Considering the facts and circumstances of the case, particularly considering that the applicant has already undergone about 80 days of jail sentence out of total jail sentence of 1 year and 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 fine imposed upon him is enhanced to Rs. 5,000/-. Ordered accordingly. The enhanced amount of fine shall be payable within two months from the date of receipt of a copy of this order. In default of payment, the Applicant shall be liable to undergo simple imprisonment for 3 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 allowed in part to the extent indicated above.
9. 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