

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 440 of 2006**

Doojram S/o Shri Budhiyari Singh Gond, aged about 40 years, R/o Village-Kandel, Police Station, Arjuni, District- Dhamtari (Chhattisgarh).

----Applicant

Versus

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

---- Respondent

For Applicant	:	Ms. Priya Mishra, Advocate
For Respondent	:	Mr. Sumit Jhanwar, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

22/06/2018

1. This revision has been preferred under Section 397 (1) read with 401 of Cr.P.C against the judgment dated 06/07/2006 passed in Criminal Appeal No. 152/2005 by the Additional Sessions Judge, Dhamtari affirming the conviction of the applicant passed in Criminal Case No. 56/2003 by the Chief Judicial Magistrate, Dhamtari vide judgment dated 20/04/2005, convicting the applicant under Section 456 of IPC and sentenced him to undergo RI for 1 year and fine of Rs. 500/-.
2. Case of the prosecution, in brief, is that on 02/03/2003 at about 09:30 pm, it is alleged that the accused/applicant has made criminal trespass in the house of the complainant- Durga Bai (PW1) with an intention to outrage her modesty and her sister- Syama Bai. The accused was caught by both of them and thereafter other persons reached on the spot. The matter was reported on the next day vide Ex.P-1. After

investigation, a charge-sheet was filed before the trial Court. Charges under Section 456 of IPC was framed. After trial, the Trial Court has convicted and sentenced the accused/applicant as mentioned in para 1 of this revision, which was also affirmed by the Appellate Court vide judgment dated 06/07/2006. Hence, this revision.

3. Learned Counsel appearing for the applicant submits that she does not want to press this appeal on merits and confines her argument to the sentence part only. She further submits that after the judgment of the Appellate Court, the applicant remained in custody since 6/07/2006 to 04/09/2006 and since 28/04/2018 he is in custody. She further submits that the matter is of the year 2003, the applicant is facing the *lis* since last 15 years and he has no criminal antecedent. It is further submitted that the applicant has undergone about 4 months out of total jail sentence of 1 year, therefore, she 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 2003 and the applicant is facing the *lis* since last about 15 years. Moreover, the applicant has undergone about 4 months of jail sentence out of total jail sentence of 1 year and he has no any criminal antecedent.

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 and the fine sentenced awarded to him is affirmed.
8. Consequently, the revision is partly allowed. The conviction of the accused/ applicant under Section 456 of IPC is affirmed, however, the jail sentence awarded to him is reduced to the period already undergone by him. The fine sentence is also affirmed. The applicant be released immediately from the jail, if not required, in any other case
9. 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