

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 115 of 2013**

Artidas S/o Sahebadas Panka, aged about 23 years R/o Surguli, Police Station & Tahsil- Bilaigarh, District Raipur (C.G.).

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. Goutam Khetrapal, Advocate
For Respondent	:	Mr. Shangarsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

14/11/2018

1. This revision has been preferred against the judgment dated 06/02/2013 passed in Criminal Appeal No. 02/2011 by the Second Additional Sessions Judge, Balodabazar arising out of judgment dated 03/04/2010 passed in Criminal Case No. 324/2007 by the Judicial Magistrate First Class, Bilaigarh, District Raipur convicting the accused/applicant under Sections 451 & 354 of the IPC and sentenced him to undergo RI for 6 months with fine of Rs. 100/- and RI for 6 months with fine of Rs. 100/-, respectively, with default stipulations.
2. As per prosecution story, it is alleged that on 29/08/2000 the applicant entered into the house of the prosecutrix (PW1). Thereafter, he caught hold her hand with an intention to outrage her modesty. A report was made by the prosecutrix in this regard. On the basis of said report, offence has been registered. After investigation, a charge-sheet has been filed. During trial, the prosecution has examined as many as four

witnesses. After trial, the learned Judicial Magistrate First Class has convicted and sentenced the applicant as mentioned in the first paragraph of this order, which was also affirmed by the Appellate Court. Hence, this revision.

3. Learned Counsel appearing for the Applicant submits that he does not want to press this revision on merits and confines his argument to the sentence part only. It is further submitted that the Applicant is facing the *lis* since 2000, out of total jail sentence of 6 months, the applicant has undergone about 17 days and he has no known criminal antecedent, therefore, 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.
5. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
6. Considering the above facts and circumstances, particularly considering that out of total jail sentence of 6 months, the applicant has undergone about 17 days, he has no known criminal antecedent and he is facing the *lis* since 2000, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Applicant, the jail sentenced awarded to him is reduced to the period already undergone by him and the fine imposed upon the applicant under Sections 451 & 354 of the IPC is enhanced to Rs. 10000/- & Rs. 10000/-, respectively. Ordered accordingly. The enhanced amount of fine shall be payable within 2 months from the

date of receipt of a copy of this order. In default of payment, the applicant shall be liable to undergo RI for 6 months. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.

7. Consequently, the revision is partly allowed to the extent indicated above.
8. It is reported that the Applicant/accused 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.
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