

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 26 of 2013**

Anshul Singh, aged about 24 years, S/o Harisingh Parihar, R/o Rajapara, Sakti, Thana and Tahsil Sakti, Distt. Janjgir-Champa (C.G.).

---- Applicant

Versus

State of Chhattisgarh, through District Magistrate, Distt. Janjgir-Champa (C.G.).

---- Respondent

For Applicant	:	Mr. Parag Kotecha, Advocate
For Respondent	:	Mr. Bhaskar Payashi, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

22/10/2018

1. This revision has been preferred against the judgment dated 07/01/2013 passed in Criminal Appeal No. 26/2010 by the Additional Sessions Judge, Sakti, District- Janjgir-Champa, arising out of judgment dated 11/12/2009 passed in Criminal Case No. 3038/2007 by the Judicial Magistrate First Class, Sakti, District- Janjgir-Champa, convicting the accused/applicant under Sections 354 and 323 of the IPC and sentenced him to undergo RI for 6 months and RI for 3 months, respectively.
2. As per prosecution story on 22/10/2007 at about 4 pm, the complainant/prosecutrix (PW1), a married lady aged about 38 years was going to see water in her field, it is alleged that at that time, the present applicant, came there and tried to outrage her modesty. He

also assaulted her. The incident was witnessed by Gasiya Dhimar and Paras Kewat. The prosecutrix also informed the incident to her husband, thereafter, she lodged a written complaint in Police Station-Sakti. On the basis of said complaint, FIR was registered. After investigation, a charge-sheet under Section 354 and 323 of the IPC was filed before the Judicial Magistrate First Class, Sakti. Charges were framed and 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 incident is of the year 2007 and the Applicant is facing the *lis* since 11 years. Out of total jail sentence of 6 months, the Applicant has undergone about 8 days, 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. Considering the above facts and circumstances, particularly considering that out of total jail sentence of 6 months, the Applicant has undergone about 8 days and he is facing the *lis* since 11 years 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 under Section 354 & 323 of IPC is enhanced to Rs. 15,000/- and Rs. 5000/-, 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 2 months and RI for 1 month under Sections 354 and 323 of the IPC, respectively. If any amount has already been deposited towards fine under the aforementioned Sections, 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