

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE NO.1117 OF 2004

ORDER:

This revision is filed by the petitioner-accused under Sections 397 and 401 Cr.P.C. challenging the judgment, dated 01.07.2004 in CrI.A.No.173 of 2000 on the file of the VI Addl. District and Sessions Judge (Fast Track Court), Narsapur, in confirming the conviction of the petitioner-accused for the offence punishable under Section 354 IPC, but reducing the sentence of imprisonment from 5 years rigorous imprisonment to 2 years rigorous imprisonment, recorded by the Assistant Sessions Judge, Narasapur, vide judgment, dated 21.07.2000 in S.C.No.261 of 1998.

2. Though this matter was posted on several occasions, the accused was not ready. Some how, the matter was adjourned for some reason or the other. Today, counsel for the accused is not present, sought time through one of his colleague. Ample opportunity was given to the accused to proceed with the criminal revision case. Further, the case was adjourned from 02.04.2018 and 12.04.2018. There is no point in keeping this revision pending since this revision is of the year 2004.

3. Both the Courts below have found the accused guilty for the offence punishable under Section 354 IPC and convicted and sentenced him as indicated above.

4. P.W.1 is the victim in this case. She has clearly and categorically deposed the manner how the accused has committed the offence. She also deposed that she suffered injuries when the accused pushed her. As per the evidence of P.W.1, the alleged offence was committed when she went to attend calls of nature. Some of the witnesses examined

on behalf of the prosecution also supported the version of P.W.1. Both the Courts below have elaborately dealt with the evidence on record and recorded the findings.

5. The contentions raised in the revision are that the findings of the Courts below are erroneous and there is no independent evidence for the alleged offence. It is also contended that no body would attend the calls of nature at 6.30 P.M.

6. For the offence of this nature, there need not be any other direct independent witness. There is no fixed time to attend the calls of nature. It is a dire need of a human being. It may arise at any point of time. There is a clear, cogent and convincing evidence of P.W.1 and other prosecution witnesses. Both the Courts below recorded the findings on merits. There is no inadmissible evidence on record. The Court below did not omit to consider the legally acceptable evidence. There is no mis-carriage of justice. All the requirements of Section 354 IPC were proved. There is nothing to take a different view. The revision is devoid of merit and is liable to be dismissed.

7. Accordingly, the Criminal Revision Case is dismissed confirming the judgment, dated 01.07.2004 in CrI.A.No.173 of 2000 on the file of the VI Addl. District and Sessions Judge (Fast Track Court), Narsapur. Miscellaneous petitions, if any pending in this Revision shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 16-04-2018.

Hsd