

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 323 of 2007

1. Munna @ Sanjeet Gupta Son of Shri Triloki Gupta, aged about 33 years, Occupation Agriculturist, Resident of Village Bardar, Police Station Balrampur, District Surguja, CG.
2. Rambarat Son of Shri Kunwar Lakda, aged about 45 years, Occupation Agriculturist, Resident of Village Bhaismunda, Police Station Balrampur, District Surguja, CG.

---- Applicants

Versus

State of Chhattisgarh through the Police Station Balrampur,
District Surguja, CG.

--- Respondent

For Applicants	: Ms. Usha Chndrakar, Advocate
For State/Respondent	: Shri A.N. Bhakta, Dy. AG

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

11/02/2019

On the basis of return report Ex. P-1 made by Prabhavati (PW-1) FIR Ex. P-2 was registered against the accused/applicants u/s 147 and 506 IPC. As per the FIR and the written report it appears that on 15.02.2002 accused Parasnath Gupta who was teacher in a primary school had committed forcible sexual intercourse with her daughter as a result of which she committed suicide. The allegation against the present applicants is that they intimidated PW-1 of life in case she appeared in the Court and gave evidence against accused Parasnath Gupta in the case where her daughter was physically exploited by him. After completion of investigation, charge-sheet was filed against them under Section 506/34 IPC.

2. By judgment dated 14.09.2006 learned JMFC, Ramanujganj convicted the accused/applicants u/s 506/34 and 120 IPC and imposed the sentence of RI for three months with fine of Rs. 250/- each under both the sections, with default stipulations. In appeal also, the conviction and

sentence recorded by the trial Court have been affirmed. Hence this revision.

3. Counsel for the accused/applicants does not assail the conviction part of the judgment impugned and his only request is that looking to the incident being quite old and also considering the fact that they have remained under detention for about 11 days, the jail sentence imposed on them may be reduced to the period already undergone and thereby their well settled family life may be protected from being up-rooted at this stage. State counsel however, supports the judgment impugned.

4. Having gone through the evidence of the witnesses in particular that of Prabhawati (PW-1) it is apparent that in order to shield the accused Parasnath Gupta from being tried and held guilty for the physical exploitation of her daughter by confining her in a school building who ultimately ended her life to avoid the social ignominy, the accused/applicants herein had criminally intimidated her of life in case she dared to depose anything against him in the Court. She has given the details as to in what manner they came near her house, called her out and threatened her of being done away with in case of her coming forward to state against Parasnath Gupta. Testimony of PW-1 is also corroborated by Gopalkrishna Biswas (PW-2), Vimal Haldhar (PW-3) and Sathranjan Haldhar (PW-4). Though the investigating officer PW-6 has given some reference of some ill-will between Parasnath Gupta and Prabhawati (PW-1) yet he has stated that he did not record anything of his own except what was disclosed to him by PW-1. Thus there is ample evidence to show that the accused/applicants have made a design of committing the offence of criminally intimidating Prabhawati (PW-1) from giving evidence against accused Parasnath Gupta in the Court for ravishing her daughter who ultimately put an end to her life to avoid any stigma in the society. Their conviction u/s 506/34 and 120 IPC is therefore just and proper and does

not need any interference in this revision. It is hereby maintained accordingly.

5. However, looking to the fact that incident had taken place in the year 2003 and thereby more than 16 years have passed-by, and further that the accused/applicants have already remained inside for 11 days, this Court thinks it proper to reduce the sentence imposed on them to the period already undergone so that their already settled family life is not landed in crises. Order accordingly.

6. Revision allowed in part.

Sd/-

(Vimla Singh Kapoor)

Judge

Jyotishi/Pawan