

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 692 of 2006

Munna @ Rupsingh Sethiya, S/o. Lacchu Sethiya, Aged about 35 years, Occupation Farmer, R/o. Mohpal, Chowki Bastar, Thana Jagdalpur, District Bastar (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Collector, District Bastar, District Office Jagdalpur (C.G.)

---- Respondent

For Applicant : Mr. Alok Kumar Dewangan, Advocate.
For Respondent : Mr. Aman Kesharwani, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Baord

05.02.2019

By the judgment under challenge passed on 11.09.2006 by Additional Sessions Judge Bastar, Jagdalpur in Criminal Appeal No. 25 of 2006, the findings recorded by the learned Judicial Magistrate First Class, Jagdalpur, have been affirmed.

2. Facts of the case, in short, is that on 02.05.2004, in the night the complainant Sudan (PW-1) was sleeping with her children inside the house. Her husband was not present in the house. The mother-in-law and father-in-law of the complainant (PW-1) were sleeping in the courtyard. At About 12.00 in the night, accused

Munna @ Rupsingh Sethiya, gained an entry thereto and tried to outrage her modesty by catching hold of her hands. On hearing the screaming, father-in-law of the complainant (PW-1) came there and tried to catch the applicant but anyhow, he managed to flee during which his shirt was snatched by the complainant (PW-1). On the next date, the complainant (PW-1) lodged the FIR (Ex.P-1) in Police Chowki Bastar and thereafter FIR (Ex.P-2) in Police Station Jagdalpur. After registration of offence and completion of investigation the charge sheet was filed against the accused/applicant.

3. The trial Court found the accused/applicant guilty under Sections 457 and 354 IPC, which in appeal has also been affirmed vide judgment impugned. Hence, this revision.

4. Conviction is not being pressed on merit and the sole prayer made by the counsel for the applicant is confined to reduction of sentence imposed on the accused/applicant to the period already undergone on account of the fact that the case is quite old and the accused/applicant has already remained in jail for some time.

5. State counsel however, supports the findings recorded by the both the Courts below.

6. Heard learned counsel for the parties and perused the judgment impugned and the evidence available on record carefully.

7. The FIR was lodged on the next day of the offence, therefore, there is no delay in lodging the FIR. The complainant who was examined as PW-1, has stood firm in her deposition and her statement is duly supported by her father-in-law Madan Singh (PW-2). The prosecution case is also supported by Parvati (PW-3), who is mother-in-law of the complainant (PW-1). After committing the offence, the applicant tried to flee during which his shirt was snatched by the complainant (PW-1) under Ex.P-1. Even, the report Ex.P-1 and Ex.P-2 was filed only against accused/applicant which has even been approved by PW-5 and PW-3 have also supported the case of the prosecution stating that the complainant (PW-1) while lodging the report had clearly disclosed the act of the accused/applicant that on the date of incident he had entered her house in the midnight and tried to outrage her modesty. Thus, taking into consideration the material collected by the prosecution including the evidence of the witnesses, it is apparent that on the date of incident the accused/applicant had committed a house tress-pass and used criminal force on the prosecutrix with an intention to outrage her modesty.

8. Thus, in view of the factual discussion made above in the light of the evidence of the witnesses, this Court is of the opinion that both the Courts below have been quite justified in holding the accused/applicant guilty under Sections 457 and 354 IPC, and being so, the same is hereby maintained.

9. As regards sentence, keeping in view the fact that the incident had taken place in the year 2004, that the accused/applicant has already remained in jail for a period about 2 months and 12 days and further that by now he must be leading a well settled life saddled with innumerable responsibilities, this Court thinks it proper to reduce the sentence imposed on him to the period already undergone.

10. With the above, the revision stands allowed in part.

Sd/-

(Vimla Singh Kapoor)

JUDGE

Santosh