

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 222 of 2004

Chandrika Prasad Chandraker S/o. Vishal Chandraker, aged about 55 years, R/o. Villaged Vinayakpur, P.S. Pulgaon, Tah. & District Durg, CG.

---- Applicant

Versus

State of Chhattisgarh through District Magistrate Durg, District Durg, CG.

--- Respondent

For Applicant : Shri Keshav Dewangan, Advocate

For State/Respondent : Shri I. Lakra, Dy. GA

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

28/01/2019

On 06.07.2000 FIR (Ex. P-1) was lodged by Ahilya Bai (PW-1) alleging that on that day at about 01 pm, the accused/applicant herein entered her house, caught hold of her hand and pulled her sari. It is also alleged that when (PW-1) raised hue and cry, the accused/applicant left the spot. Thereafter, she informed the incident to her mother-in-law Jotkunwar (PW-2) and also called her husband telephonically and disclosed the incident to him. This led her to lodge the report Ex. P-1. After completion of investigation, charge-sheet was filed against the applicant under Sections 452 and 354 IPC and charge framed accordingly.

2. By judgment dated 09.06.2003 learned trial Court convicted and sentenced the accused/applicant u/s 452 and 354 IPC and imposed the sentence of RI for six months with fine of Rs. 500/- on each count, plus 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/applicant 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 he has remained under detention for 87 days, the jail sentence imposed on him may be reduced to the period already undergone and thereby his well settled family life may be

protected from being up-rooted at this stage. State counsel however, supports the judgment impugned.

4. From the evidence of complainant (PW-1) duly supported by Jotkunwar (PW-2) Chetan (PW-4) and Rajendra Deshmukh (PW-6) it is apparent that on the date of incident the accused/applicant committed lurking house tress-pass in order to outrage the modesty of the complainant (PW-1). The bangles of the complainant broken in the incident, have also been seized under Ex. P-3 and Ex. P-4. In this view of the matter, the conviction of the accused/applicant u/s 452 and 354 IPC does not appear to be off the record and therefore it is maintained.

5. However, looking to the fact that incident had taken place in the year 2000 and thereby more than 19 years have passed-by, and further that the accused/applicant has already remained inside for 87 days, this Court thinks it proper to reduce the sentence imposed on him to the period already undergone, so that his already settled family life is not landed in crises. Order accordingly.

6. Revision allowed in part.

Sd/-

(Vimla Singh Kapoor)

Judge

Jyotishi/Pawan