

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 168 of 2010

Damru Dhruv S/o. Rambihari Dhruv, Aged about 36 years, R/o.
Village Kamta, Police Station Simga, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station
Simga, District Raipur (C.G.)

---- Respondent

For Applicant : Mr. Anil Singh Rajput, Advocate.

For Respondent : Mr. Himanshu Sharma, PL

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board on 08.05.2019

Certificate dated 06.09.2014 issued by Chhattisgarh Government shows that the accused/applicant died on 22.08.2014. Though the accused/applicant died during the pendency of this revision yet in the light of the order passed by the Hon'ble Apex Court in the matter of **Pranab Kumar Mitra vs. State of WB reported in AIR 1959 SC 144**, this Court proceeds to decide this case on its merits.

2. Facts of the case, in brief, are that on 27.04.2007, the complainant was alone in her house at that time the applicant knocked the door of the complainant when the door was opened by the complainant then the applicant caught hold the complainant with intention to outrage her modesty, when she shouted for help

the applicant fled away from there. FIR (Ex.P-1) was lodged by the complainant in Police Station Simga. 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 Section 354 IPC, which in appeal has also been affirmed vide judgment impugned. Hence, this revision.

4. Learned counsel for the applicant submits that the order impugned being contrary to the evidence on record is liable to be set aside. On the other hand, learned counsel for the State, however, supports the same.

5. I have heard learned counsel for the parties and perused the record.

6. Having gone through the material on record in particular the evidence of PW-1, PW-2 and PW-3, clearly indicating the involvement the applicant in the crime in question where he is alleged to have forced himself and entered into the house of the prosecutrix (PW-1) where he tried to outrage her modesty. Thus, the evidence clearly suggest that on the fateful day the accused/applicant, entered the house of the prosecutrix (PW-1) and there he, tried to outrage her modesty. Being so, this Court of the opinion that both the Courts below have been quite justified in holding the accused/applicant guilty under Section 354 IPC and therefore, the same is hereby maintained.

7. In aforesaid view of the mater the revision is held to be without any substance and is hereby dismissed as such.

Sd/-
(Vimla Singh Kapoor)
JUDGE

Santosh