

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 549 of 2008

Uchhavram S/o. Shyam Lal, Caste Mahra, aged about 35 years,
R/o. Sagonbadi Police Station & Tahsil Devbhog, District Raipur,
CG

---- **Applicant**

Versus

State of Chhattisgarh through Police Station Devbhog, Raipur, CG.

---- **Respondent**

For Applicant : Shri Mandwavi Bhardwaj, Advocate

For State/Respondent : Shri Aman Kesharwani, PL

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

16/05/2019

Learned trial Court vide order dated 26.03.2008 considered the evidence of the witnesses and convicted the accused/applicant under Section 354 IPC and sentenced him to undergo RI for 3 months with fine of Rs. 1000/-. However, in appeal the conviction of the accused/applicant was maintained but the jail sentence of 3 months has been reduced to RI for 1 month, keeping the sentence of fine intact.

2. Statement of the complainant (PW-1) is indicative of the fact that on 17.11.2005 when she was going to the house of the accused/applicant to watch TV, he asked her for sexual favour and saying so he also caught hold of her hand with an intention to outrage her modesty. She informed about the incident to her husband Lingraj (PW-2) after he returned home in the night and subsequently the report was lodged.

3. PW-3 and PW-4 who attended the meeting convened by PW-2 have also supported the case of the prosecution stating that when PW-2 asked the accused/applicant as to why he did flirting with his wife, quarrel between the two had erupted but the matter could not resolved. Other

witnesses being PW-4, PW-5 and PW-6 who had also attended the meeting have also supported the case of the prosecution.

4. Having heard counsel for the parties and taken note of the fact that act of the accused/applicant in catching hold of the complainant and asking her for sexual favour has been fully established from the statement of complainant (PW-1), her husband (PW-2) and the witnesses who had attended the meeting. Therefore, there is no reason for this Court to disbelieve the evidence of the witnesses and being so, the conviction of the accused/applicant under Section 354 IPC is hereby maintained.

5. As regards sentence, keeping in mind the fact that the incident had taken place in the year 2005 and that the accused/applicant has already remained in jail for about 5 days, this Court is of the opinion that the interest of justice would be met if the sentence imposed on him is reduced to the period already undergone, by enhancing the fine sentence to Rs. 2,000/- from that of Rs. 1000/- as was imposed by the Courts below. Let the entire fine amount be deposited in the trial Court within a period of four months from today or else this order would not be available to the accused/applicant. Order accordingly.

6. Revision thus partly allowed.

Sd/-

(Vimla Singh Kapoor)

Judge