

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 205 of 2010

Sarju S/o. Dhunu Satnami, Aged 23 years, village Bandhapara,
Budhwara, Police Station Lormi, District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through District Magistrate Bilaspur
District Bilaspur (C.G.)

---- Respondent

For the Applicant : Mr. Manoj Chauhan, Advocate
For the Respondent : Mr. Raghvenda Verma, PL.

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

19.03.2019

The judgment under challenge in this revision petition is dated 30.03.2010 passed by Additional Sessions Judge (FTC) Mungeli, in Criminal Appeal No. 14/2009, affirming the judgment dated 03.09.2009 passed by JMFC, Lormi, in Criminal Case No. 809/2009 convicting the accused/applicant under Sections 451 and 354 IPC and sentencing him to undergo RI for 1 year with fine of Rs. 200/- u/s 451 IPC, and RI for 1 year with fine of Rs. 300/- u/s 354 IPC plus default stipulation.

2. Facts of the case, in brief, is that on 26.10.2003 at about 3.00 pm, when the prosecutrix (PW-1) was taking meal at Barandah in her house, at the same time, the accused/applicant

was in a drunken condition came there and dragged her inside the house with an intention to outrage her modesty. On hearing her voice, Nokhe Satnami, Rama and Dwarika rushed to the spot and the applicant fled away from there. On the same day, FIR (Ex.P-1) lodged by prosecutrix (PW-1) in Police Station Lormi. 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 451 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. Per contra, learned Panel Lawyer appearing for respondent-State submitted that after due appreciation of prosecution evidence, the learned Courts below have found the offence proved against the applicant, which requires no interference.

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

7. There is a concurrent finding of fact of the two courts below that the applicant used criminal force on the prosecutrix (PW-1) with intent to outrage her modesty. The aforesaid finding of fact

does not suffer from any infirmity in view of the evidence of Prosecutrix (P.W.-1) and the corroborative evidence of Nokhelal (P.W.-3) and Rama (P.W.-4). The FIR of the incident was also promptly lodged on the same day. Thus, the findings of guilt recorded by the two courts below against the applicant under Sections 451 and 354 IPC does not suffer from any legal or factual infirmity so as to call for any interference in revision.

8. As regards sentence, keeping in view the fact that the incident had taken place in the year 2003, that the accused/applicant has already remained in jail for a period of about 1 month 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.

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

Sd/-

(Vimla Singh Kapoor)
JUDGE

Santosh