

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 381 of 2013**

Pritam Das S/o Hemnarayan Miri, aged about 25 years R/o Bhandarpuri, P.O. Bhandarpuri, Thana- Palari, Distt. Baloda Bazar, Bhatapara (C.G.).

---- Applicant**Versus**

State of Chhattisgarh Station House Officer, Police Station Palari, Distt. Baloda Bazar- Bhatapara (C.G.)

---- Respondent

For Applicant	:	Mr. Deepak Jain, Advocate
For Respondent	:	Mr. V.K. Agrawal, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**19/06/2019**

1. This revision has been preferred against judgment dated 24/06/2013 passed in Criminal Appeal No. 25/2013 by the Second Additional Sessions Judge, Balodabazar, District Raipur (C.G.) arising out of judgment dated 04/12/2012 passed in Criminal Case No. 1148/2010 by the Judicial Magistrate First Class, Balodabazaar (C.G.), whereby the Applicant stands convicted under Section 354 of the IPC and sentenced to undergo RI for 5 months and to pay fine of Rs. 500/- with default stipulation.
2. As per prosecution story, on 07/10/2010 at about 5:00 pm, when the Prosecutrix was going to provision store for purchasing sugar, the Applicant along with co-accused Govinda (died) came there and used filthy language. They also caught hold the Prosecutrix with an

intention to outrage her modesty. The incident was witnessed by the brother of the Prosecutrix and other persons. A report was made by the Prosecutrix and on that basis, FIR (Ex.P.-1) has been registered. After investigation, a charge-sheet has been submitted against the Applicant and co-accused Govinda (died). Charges were framed.

3. After trial, the learned trial Court has convicted and sentenced the Applicant as mentioned in paragraph one of this order, which was also affirmed by the Appellate Court. Hence, this revision.
4. Learned Counsel appearing for the Applicant submits that he does not want to press this revision on merits and confines his argument to the sentence part only. It is further submitted that out of total jail sentence of 5 months, the Applicant has undergone about 7 days, he is facing the *lis* since 2010, there is no criminal antecedent against the Applicant, therefore, he prays that the jail sentence awarded to the Applicant may be reduced to the period already undergone by him.
5. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.
6. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
7. Considering the above facts and circumstances of the case, particularly considering that out of total jail sentence of 5 months, the Applicant has undergone about 07 days, he is facing the *lis* since 2010 and there is no criminal antecedent against him, I am of the view that

the ends of justice would be met if, while upholding the conviction imposed upon the Applicant, the jail sentenced awarded to him is reduced to the period already undergone by him and the fine sentence imposed upon under Section 354 of the IPC is enhanced to Rs. 10,000/-. Ordered accordingly. The enhanced amount of fine shall be payable within 1 month from the date of receipt of a copy of this order. In default of payment, the Applicant shall be liable to undergo SI for 1 month. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.

8. Consequently, the revision is partly allowed to the extent indicated above.
9. It is reported that the Applicant/accused is on bail. His bail bond is not discharged at this stage and the same shall remain operative for a further period of 6 months in view of the provisions contained in Section 437-A of Cr.P.C.
10. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge