

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 86 of 2019**

Jay Singh Sidar S/o Durbin Sidar Aged about 32 years, R/o Village Sukhapali,
PS Sariya, Tahsil Baramkela, Distt. Raigarh (C.G.)

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Ms. Smita Jha, Advocate
For Respondent	:	Ms. Smriti Shrivastava, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**07/02/2019**

1. This revision has been preferred against judgment dated 27/09/2018 passed in Criminal Appeal No. 15/2018 by the Additional Sessions Judge, Sarangarh arising out of judgment dated 14/05/2018 passed in Criminal Case No. 1061/2010 by the Judicial Magistrate First Class, Sarangarh (C.G.), the Applicant stands convicted under Sections 451 and 354 of the IPC and sentenced to undergo RI for 6 months with fine of Rs. 500/- and RI for 6 months with fine of Rs. 500/-, respectively with default stipulations.
2. In this case, the Prosecutrix made a report at police station alleging therein that on 04/11/2010 at about 7:00 am, while she had gone for worship after having bath. At that time, the Applicant came there and caught hold her. He also tried to pull her inside the room. The

Prosecutrix loudly shouted and hearing her voice, her husband, brother-in-law and nephew came up there, and then the Applicant fled away from the spot. On the basis of above report, offence has been registered. After investigation, a charge-sheet was filed. 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.

3. 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 the matter is of the year 2010, the Applicant is facing the *lis* since 9 years and out of total jail sentence of 6 months, he is in jail since 27/09/2018, therefore, he prays that the jail sentence awarded to the Applicant may be reduced to the period already undergone by him.
4. 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.
5. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
6. Considering the above facts and circumstances, particularly considering that out of total jail sentence of 6 months, the Applicant is in jail since 27/09/2018 and he is facing the *lis* since 9 years, 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.

7. Consequently, the revision is partly allowed. The conviction of the Applicant under Sections 451 & 354 of the IPC is upheld and he is sentenced to the period already undergone by him. The fine sentence is affirmed.
8. The Applicant be released forthwith, if not required in any other case.
9. 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