

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 177 of 2000**

Ravindra alias Gudda S/o Itwari Sweeper, aged about 20 years R/o Deokar, Police Station Saja Durg at present R/o Gandai, Police Station Gandai, Distt. Rajnandgaon (M.P.).

---- Appellant**Versus**

State of M.P. (Now State of Chhattisgarh)

---- Respondent

For Appellant	:	Mr. Rahil Arun Kochar, Advocate
For Respondent	:	Ms. Shriya Mishra, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**10/12/2019**

1. This appeal has been preferred against the judgment dated 28/12/1999 passed in Sessions Trial No. 261/1999 by the Second Additional Sessions Judge, Baloda-Bazar (C.G.), whereby the Appellant has been convicted under Section 363 of the IPC and sentenced to undergo RI for 3 years and to pay fine of Rs. 500/- with default stipulation.
2. Facts of the case are that the age of the Prosecutrix was about 14 years at the relevant time. On 17/03/1999, she left her house saying that she is going to her friend house. Thereafter, she did not return. A missing report was lodged by her father Ram Kumar. During course of investigation, the Prosecutrix was recovered from the possession of the Appellant. Her statement was recorded. On the basis of her

statement, other offence were added. After completion of investigation, a charge-sheet under Section 363, 366 & 376 of the IPC was filed. Trial Court framed the charges. As many as 14 prosecution witnesses have been examined. No defence witness has been examined. Statement of the Appellant under Section 313 of the Cr.P.C has been recorded, wherein he has pleaded his innocence and false implication in the matter.

3. After trial, the trial Court has acquitted the Appellant from the charge framed under Sections 376 and 366 of the IPC, however, the Appellant has been convicted and sentenced as mentioned in paragraph one of this judgment. Hence, this appeal.
4. Learned Counsel appearing for the Appellant submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. He further submits that the Appellant has undergone about 1 year out of total jail sentence of 3 years, he has no criminal antecedent, he is facing the *lis* since 1999, therefore, he prays that the jail sentence awarded to the Appellant 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 3 years, the

Appellant has undergone about 1 year, he is facing the *lis* since 1999 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 Appellant, the jail sentenced awarded to him is reduced to the period already undergone by him.

8. Consequently, the appeal is partly allowed. The conviction of the Appellant under the aforementioned section is affirmed and he is sentenced to the period already undergone by him.
9. It is reported that the Appellant/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