

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 618 of 2008

Chhatrapal Chandrakar, S/o Bhagatram Chandrakar, aged about 20 years, Village Khaira, Khadsara, Police Station Bemetara, District Durg (CG)

---- Applicant

Versus

The State of Chhattisgarh through In-charge Officer, Police Chowki, Khadsara, Police Station Bemetara, District Durg (CG)

--- Respondent

For Applicant : Shri Ajay Kumar Chandra, Advocate

For Respondent : Shri Himanshu Sharma, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

02/05/2019

Case of the prosecution in brief is that on 17.01.2008 when complainant (PW-1) was sitting on the river bank, the accused/applicant herein reached there and caught hold of her hand with intention to outrage her modesty. Ganpat Chandrakar (PW-2) heard cries of the prosecutrix and when he reached the spot, the accused/applicant ran away. After lodgment of FIR an offence under Section 354 was registered against the accused/applicant followed by filing of charge-sheet and framing of charge under the said section. Learned trial Court vide judgment dated 09.06.2008 passed in Criminal Case No.118/2008 convicted the accused/applicant under Section 354 IPC and sentenced him to undergo RI for 6 months with payment of fine of Rs.500/-. However, in appeal the conviction of the accused/applicant was maintained but keeping the sentence of fine intact the lower Appellate Court set aside the jail sentence awarded by the learned Magistrate vide judgment impugned in this revision petition.

2. Counsel for the accused/applicant submits that the conviction of the accused/applicant being not based on proper appreciation of the evidence on record is not sustainable in law and is liable to be set aside. State counsel however supports the judgment impugned as a whole. The entire fine amount is also said to have been deposited by the accused/applicant.

3. From the statement of PW-1 and PW-2 it is manifest that on the date of incident the accused/applicant taking advantage of the helplessness of the complainant caught hold of her hand with an intention to outrage her modesty and on seeing PW-2 reaching the spot he fled away. PW-3 - the father of the prosecutrix has also stated that after returning home the complainant had informed him about the act of the applicant where he caught hold of her hand with intention to outrage her modesty. The statement of the prosecutrix is fully consistent and, therefore, there is no reason to discredit the same.

4. Thus the findings recorded by learned Magistrate holding the accused/applicant guilty under Section 354 IPC are hereby maintained and the revision petition without any substance is hereby dismissed.

**Sd/-
(Vimla Singh Kapoor)**

Judge

Jyotishi/Ajay