

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 776 of 2008**

- Foosku @ Rampratap S/o Ailandas Satnami aged about 40 years, Caste-Satnamai, R/o Village Lasatola, P.S. And Tahsil Kawardha, District-Kabirdham, C.G.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : District Magistrate, Kawardha, District-Kabirdham, C.G.

---- Respondent

For Applicant	:	Mr. Ajit singh, Advocate.
For Respondent/State	:	Mr. Anil Tripathi, PL.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****26.08.2019**

1. The present revision arises out of the impugned judgment of conviction and order of sentence dated 18.11.2008 passed by the learned Sessions Judge, Kabirdham (Kawardha), in Cr. Appeal No. 27/2008 whereby, the learned appellate Court below has affirmed the conviction and sentence of the accused/applicant as awarded by the learned Chief Judicial Magistrate First Class, Kawardha, vide its judgment dated 21.04.2008 in Criminal Case No. 1414/2006 for the offence punishable under Section 354 of IPC and sentenced him to undergo R.I. for six months.

2. Brief facts of the case are that complainant/prosecutrix lodged a report against the applicant that on 09.10.2006 at about 8 pm. she went to answer the call of nature towards river at village Lasatola and on that time the present applicant came there and caught hold her hand for molestation and intending to outrage her modesty. When she was resist, the applicant was escape from the place. After completion of investigation, charge sheet was filed and charges were framed against accused/applicant under Section 354 of IPC.

3. So as to hold the accused/applicant guilty, the prosecution has examined as many as 5 witnesses. Statement of the accused/applicant was also recorded under Section 313 of the Cr.P.C. in which he denied the circumstances appearing against him and pleaded innocence and false implication in the case.

4. After hearing the parties, vide impugned judgment of conviction and order of sentence dated 21.04.2008, learned Chief Judicial Magistrate has convicted and sentenced the accused/applicant for the offence punishable under Section 354 of IPC and sentenced him to undergo R.I. for six months. This order was appealed by the applicant and in the appeal, learned Appellate Court has affirmed the conviction and sentence of the appellant. Hence, the present revision.

5. Heard counsel for the parties and perused the material on record including the impugned judgment.

6. Counsel for the applicant submits that he is not pressing this revision as far as it relates to the conviction part of the judgment and would confine his argument to the sentence part thereof only. According to him, the incident is said to have taken place in the year 2006, and thereby more than 13 years have rolled by since then. The applicant is aged about 50 years and he has already remained in jail for more than 15 days, and no useful purpose would be served in again sending him to jail, therefore, in the interest of justice, it would be appropriate if the sentence imposed upon him may be reduced to the period already undergone by him.

7. Learned counsel for the State has no objection to this proposition.

8. Having gone through the material on record and the evidence of the witnesses including prosecutrix (PW-1), Bhulau Ram (PW-2), Shiv Kumar (PW-3), Ram Kumar Mishra (PW-4), and Vijendra Tiwari (PW-5) established the involvement of the accused/applicant in the crime in question stands proved beyond reasonable doubt. This Court does not see any illegality in the findings recorded by both the Courts below as regards conviction it is hereby maintained.

9. As regards sentence, keeping in view the facts that incident had

taken place in the year 2006, and further that the applicant had already remained in jail for more than 15 days, therefore, his sentence is liable to be reduced to the period already undergone by him.

10. In view of the above consideration, the revision is partly allowed. While maintaining the conviction of the applicant, he is sentenced to the period already undergone by him. The applicant is on bail. His bail bond will stand discharged.

Sd/-
(Rajani Dubey)
JUDGE