

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 232 of 2007

Tikam Dewangan, S/o Ramlal Dewangan, aged about 40 years,
Village Bijetala, Police Station Ghumka, District Rajnandgaon, CG.

---- Applicant

Versus

- State of Chhattisgarh, through Police Station Ghumka, District Rajnandgaon, CG.

---- Respondent

For Applicant : Ms. Aparjita Gaikwad, Advocate

For State/Respondent : Shri A.N. Bhakta, Dy. AG

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

11 /02/2019

Heard on admission.

2. Revision is admitted for hearing.
3. On 28.04.2004 FIR (Ex. P-1) was lodged by the prosecutrix (PW-1) alleging that on 27.04.2004 at about 05 pm when she was in her house, the accused/applicant herein came there, caught hold of her hand but on account of being abused by her he ran away. Thereafter, she informed about the incident to Dwarika (PW-2), Motilal (PW-4) and two others. After completion of investigation, charge-sheet was filed against the applicant under Section 354 IPC and the charge was framed accordingly.
4. On appraisal of the evidence, learned trial Court found the accused/applicant guilty under Section 354 IPC and sentenced him to undergo RI for three months with fine of Rs. 300/-, plus default stipulation. In appeal also the conviction and sentence awarded by the trial Court remained undisturbed. Hence this revision.

5. Though conviction of the accused/applicant is not being pressed by the counsel for the accused/applicant and he would make a limited prayer of reduction of sentence to the period already undergone yet this Court has to decide the case on its own merits.

6. From the evidence of prosecutrix (PW-1) it is apparent that on the date of incident when she was in her house, the accused/applicant gained an entry therein and dragged her by hand with an intention to outrage her modesty and that when she started abusing him, he left the spot. PW-2 has also stated that the prosecutrix had informed him about the said act of the accused/applicant. PW-4 has stated that he had seen the accused/applicant running away from the house of the prosecutrix. He further stated that in the *Panchayat* meeting also the prosecutrix remained firm in her stand that too in the presence of the accused/applicant. Thus in view of the overall evidence on record, the Courts below appear to have been fully justified in convicting the accused/applicant under Section 354 IPC and no interference is called for with the same in this revision.

7. Since the accused/applicant has remained in jail for 19 days and further that a considerable period of 15 years has been rolled by from the date of commission of the offence, this Court feels it in the interest of justice to reduce the sentence imposed on him to the period already undergone. Order accordingly.

8. Revision is thus allowed in part with the aforesaid.

Sd/-

(Vimla Singh Kapoor)

Judge