

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 94 of 2008

Phekuram S/o. Raja Satnami, Aged about 28 years, R/o. Village Nawapara, (Lewai) P.S. Baloda, Tahsil Janjgir, District Janjgir Champa (C.G.)

---- **Applicant**

Versus

State of Chhattisgarh through District Magistrate, District Janjgir Champa (C.G.)

---- **Respondent**

For Applicant : None
For Respondent : Mr. Raghvendra Verma, PL

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board on 06.05.2019

Certificate dated 29.05.2019 issued by Chhattisgarh Government shows that the accused/applicant died on 16.12.2014. Though the accused/applicant died during the pendency of this revision yet in the light of the order passed by the Hon'ble Apex Court in the matter of **Pranab Kumar Mitra vs. State of WB reported in AIR 1959 SC 144**, this Court proceeds to decide this case on its merits.

2. Facts of the case, in brief, are that on 28.06.2006 FIR (Ex.P-1) was registered against the applicant in Police Station, alleging that on the date of incident i.e. on 26.06.2006, the complainant was sleeping in her house. When she woke up at 1.00 PM, she saw the

applicant was sitting on her bed thereafter, the applicant caught hold her hands and dragged towards the courtyard when she shouted for help the applicant fled away from there. The victim narrated the incident to her father-in-law and mother-in-law and on the next day when her husband came to his house, the victim lodged the report. After registration of offence and completion of investigation the charge sheet was filed against the accused/applicant.

3. The trial Court found the accused/applicant guilty under Sections 458 and 354 IPC, which in appeal has also been affirmed vide judgment impugned. Hence, this revision.

4. Learned counsel for the applicant submits that the order impugned being contrary to the evidence on record is liable to be set aside. On the other hand, learned counsel for the State, however, supports the same.

5. I have heard learned counsel for the parties and perused the record.

6. Having gone through the material on record in particular the evidence of PW-1, PW-2, PW-3 and PW-5, clearly indicating the involvement the applicant in the crime in question where he is alleged to have forced himself and entered into the house of the prosecutrix (PW-1) where he tried to outrage her modesty. Pahrin Bai (PW-5) has also supported the case of the prosecution. Thus, the evidence clearly suggest that on the fateful day the accused/applicant, entered the house of the prosecutrix (PW-1) and

there he, tried to outrage her modesty. Being so, this Court of the opinion that both the Courts below have been quite justified in holding the accused/applicant guilty under Sections 457 and 354 IPC and therefore, the same is hereby maintained.

7. In aforesaid view of the mater the revision is held to be without any substance and is hereby dismissed as such.

Sd/-

(Vimla Singh Kapoor)

JUDGE

Santosh