

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 111 of 2008

1. Sabit Kumar S/o. Ramnath Sahu, Aged 19 years,
 2. Dilip Kumar S/o. Ramji Sahu, Aged 19 years,
 3. Mohan Lal S/o. Laxman Sahu, Aged 26 years,
 4. Rama S/o. Chitu Ram Sahu, Aged 45 years,
- All resident of village Avrai Khurd, P.S. Janjgir, District Janjgir
Champa (C.G.)

---- Applicants

Versus

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

---- Respondent

For the Applicants : Mr. Shivang Dubey, Advocate
For the Respondent : Mr. Raghvendra Verma, PL

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

09.04.2019

1. The judgment under challenge in this revision petition is dated 13.02.2008 passed by Additional Sessions Judge Janjgir, Session Division Janjgir Champa in Criminal Appeal No. 53/2007, affirming the judgment dated 14.12.2007 passed by Chief Judicial Magistrate Janjgir, in Criminal Case No. 1289/2005 convicting the accused/applicants under Sections 341 and 354 IPC and sentencing them to undergo RI for 6 months with fine of

Rs. 500/-u/s. 341 IPC and RI for 6 months with fine of Rs. 500/-u/s. 354 IPC plus default stipulation.

2. Facts of the case, in brief, is that on 26.03.2005 at about 5.30 PM, the prosecutrix (PW1) was alone in her house and she was cooking food. At that time, the applicants entered inside the house without any permission and asked about the husband of the prosecutrix saying that they will break the hands and fits of her husband. When they not found her husband there then they picked up the prosecutrix and gripping the hands of her and dragged her outside the house. On her shouting, Heeralal, Goverdhan and Kalesh came there then the applicants left the prosecutrix and fled away from there. The prosecutrix narrated the incident to her husband and on the next day, the prosecutrix along with her husband registered the FIR (Ex.P-3) in Police Station Janjgir against the applicants. After registration of offence and completion of investigation the charge sheet was filed against the accused/applicants.

3. The trial Court found the accused/applicants guilty under Sections 341 and 354 IPC, which on appeal has also been affirmed vide judgment impugned. Hence, this revision.

4. Learned counsel for the applicants submits that both the Courts below have erred in convicting and sentencing the applicants. He further submits that the judgment delivered by the learned Courts below is contrary to law and liable to be set aside. Finally, it is averred that revision be allowed and the

applicants be acquitted in respect of the offence punishable under Sections 342 and 354 IPC.

5. Per contra, learned Panel Lawyer appearing for respondent-State submitted that after due appreciation of prosecution evidence, the learned Courts below have found the offence proved against the applicants, which requires no interference.

6. Heard learned counsel for the parties and perused the judgment impugned and the evidence available on record carefully.

7. After considering the submissions made by learned counsel for the parties, it is apparent that the prosecutrix (PW1) appears to be believable. No such enmity is established by the applicants by which it can be said that he was falsely implicated in the matter. The testimony of the prosecutrix is duly corroborated by her husband(PW-2) and PW-6, timely lodged FIR Ex.P/3. There is a concurrent finding of fact of the two courts below that the applicants used criminal force on the prosecutrix (PW-1) with intent to outrage her modesty. Thus, the findings of guilt recorded by the two courts below against the applicants under Sections 341 and 354 IPC does not suffer from any legal or factual infirmity so as to call for any interference in revision.

8. As regards sentence, keeping in view the fact that the incident had taken place in the year 2005, that the accused/applicants have already remained in jail for a period of 6 days and further that by now he must be leading a well settled life saddled with innumerable responsibilities, this Court thinks it

proper to reduce the sentence imposed on them to the period already undergone. However, the fine imposed by the Courts below is enhanced to Rs. 1,000/- from that of Rs. 500/- as imposed by the Courts below under each sections. In other words, each of the applicants now will pay total fine amount of Rs. 1000/- under each sections instead of Rs. 500/-. Let this amount be deposited in the Court below within a period of 4 months from today or else they may not derive the benefit of this order.

9. With the above, the revision stands allowed in part.

Sd/-

(Vimla Singh Kapoor)
JUDGE

Santosh