

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 513 of 2008

Dhaneshwar Prasad S/o. Tekram Satnami aged about 22 years,
R/o. Village – Shiladehi, Police Station Bamhanidih, District Janjgir-
Champa, CG.

---- **Applicant**

Versus

State of Chhattisgarh through District Magistrate Janjgir Champa,
CG.

---- **Respondent**

For Applicant : Shri Dashrath Kushwaha, Advocate

For State/Respondent : Shri Aman Kesharwani, PL

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

14/05/2019

Learned trial Court vide judgment dated 06.05.2008 held the accused/applicant guilty under Section 354 IPC keeping in view the overall evidence on record. The judgment passed by the trial Court has also been confirmed in appeal vide judgment impugned. Both the Courts below have formed their opinion on the basis of evidence of the prosecutrix (PW-1), her parents PW-2 & PW-5 and brother PW-6.

2. This Court has also gone through the evidence of the prosecutrix PW-1, her parents PW-2 & PW-5 as also her brother PW-6. Evidence of the prosecutrix clearly demonstrates that on the date of incident when she had gone to answer the call of nature, the accused/applicant came there and caught hold of her hand with an intention to outrage her modesty. She has further stated that the accused/applicant also ran away by snatching the bucket carried by her. PW-2, PW-5 and PW-6 have fully corroborated the version of the prosecutrix stating that after she returned home, entire incident was disclosed by her to them. Even the bucket carried by the prosecutrix was also seized by the prosecution.

3. Counsel for the applicant submits that both the Courts below have committed an error in holding the accused/applicant guilty under Section 354 IPC and, therefore, the judgment impugned is liable to be set aside. State counsel however supports the judgment impugned.

4. Considering the submission of the counsel for the parties and taking into consideration the evidence of the witnesses including that of the prosecutrix, this Court does not see any reason to interference with the well reason judgment under challenge in this revision petition as far as conviction part thereof is concerned. Being so the conviction of the accused/applicant under Section 354 IPC is hereby maintained.

5. As regards sentence, keeping in mind the fact that the incident had taken place in the year 2007 and that the accused/applicant has already remained in jail for about 09 days, this Court is of the opinion that the interest of justice would be met if the sentence imposed on him is reduced to the period already undergone by enhancing the fine sentence to Rs. 3,000/- from that of Rs. 500/- as was imposed by the Courts below. Let this enhanced fine amount be deposited in the trial Court within a period of four months from today or else this order would not be available to the accused/applicant. Order accordingly.

6. Revision thus partly allowed.

Sd/-

(Vimla Singh Kapoor)

Judge

Jyotishi/Pawan