

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 439 of 2011**

Goutamdas, aged about 29 years S/o Rameshchandra Das, By Occupation Mechnic in PHE Department P.V 87, Pankhajore, Thana Bande, Distt. Kanker (C.G.).

---- Appellant

Versus

State of Chhattigarh Through Police Station Bande, Distt. Kanker (C.G.).

---- Respondent

For Appellant	:	Mr. Parag Kotecha, Advocate
For Respondent	:	Ms. Seema Dixit, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

19/09/2019

1. This appeal has been preferred against the judgment dated 03/06/2011 passed in Special Case No. 01/2011 by the Special Judge, Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, Kanker (C.G.), whereby the Appellant has been convicted under Sections 451 & 354 of the IPC and sentenced to undergo RI for 6 months and to pay fine of Rs. 500/- and RI for 6 months and to pay fine of Rs. 500/-, respectively, with default stipulations.
2. Facts of the case are that on 15/10/2010 at about 4:30 pm, the Appellant entered into the house of the Complainant/Prosecutrix (PW1). He caught hold the hands of the Prosecutrix and pressed her chest. He also tried to outrage her modesty. When the mother of the Prosecutrix and her neighbor came, the Appellant fled away from the

spot. On 17/10/2011, a report has been lodged and offence has been registered. After completion of investigation, a charge-sheet has been filed. Trial Court framed the charges under Sections 451 and 354 of the IPC and Section 3 (1) (11) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act. As many as 7 prosecution witnesses have been examined. No defence witness has been examined. Statement of the Appellant under Section 313 of the Cr.P.C was recorded wherein he has pleaded his innocence and false implication in the matter.

3. After trial, the trial Court has acquitted the Appellant from the charge framed under Section 3 (1) (11) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act and convicted and sentenced the Appellant as mentioned in paragraph one of this judgment. Hence, this appeal.
4. Learned Counsel appearing for the Appellant submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. He further submits that the Appellant has undergone about 10 days out of total jail sentence of 6 months, he has no criminal antecedent and he is facing the *lis* since 2010, therefore, he prays that the jail sentence awarded to the Appellant may be reduced to the period already undergone by him.
5. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.
6. I have heard learned Counsel appearing on behalf of the parties and

perused the record minutely.

7. Considering the above facts and circumstances of the case, particularly considering that out of total jail sentence of 6 months, the Appellant has undergone about 10 days, he is facing the *lis* since 2010 and there is no criminal antecedent against him, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Appellant, the jail sentenced awarded to him is reduced to the period already undergone by him and the fine sentence imposed under Sections 451 and 354 of the IPC is enhanced to Rs. 10,000/- & 10,000/-, respectively. Ordered accordingly. The enhanced amount of fine shall be payable within 2 months from the date of receipt of a copy of this order. In default of payment, the Appellant shall be liable to undergo RI for 6 months under each offence. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.
8. Consequently, the appeal is partly allowed to the extent indicated above.
9. It is reported that the Appellant/accused is on bail. His bail bond is not discharged at this stage and the same shall remain operative for a further period of 6 months in view of the provisions contained in Section 437-A of Cr.P.C.
10. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge