

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 423 of 2005

Purushottam S/o Kashi Rawat, aged about 43 years, R/o Kodapar,
P.S. & Tehsil Palari, District Raipur, CG. ---- **Applicant**

Versus

- State of Chhattisgarh through thana Palari Chowki Gidpuri, District Raipur, CG. ---- **Respondent**

For Applicant : Shri Deepak Jain, Advocate

For State/Respondent : Shri I. Lakra, Dy. GA

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

01/02/2019

By this revision petition the applicant has assailed the judgment dated 15.09.2005 passed by Additional Sessions Judge, Baloda Bazar, District Raipur, CG affirming the judgment dated 18.11.2004 passed by JMFC, Baloda Bazar in Criminal Case No. 1383/2004.

2. Case of the prosecution, in brief, is that on 28.08.1996 at about 12 midnight when the complainant (PW-1) was sleeping in one of the rooms of her house and her husband was a sleeping in the other room, the accused/applicant entered the house and he started pulling the bed-sheet lay over her. On noticing this, she raised an alarm, on hearing which her husband Maniram (PW-2) came there but on seeing him the accused/applicant tried to ran away though he was caught hold of. On hearing the voice of PW-2, people of neighborhood gathered there to whom the PW-2 narrated the entire incident. According to the complainant, the applicant did all that with her intention to outrage her modesty. On the basis of FIR Ex. P-5 lodged by PW-1, an offence under Section 456 IPC was registered against the accused/applicant followed by filling of charge-sheet under the said Section.

3. Having considered the material on record, learned trial Court convicted the accused/applicant under Sections 457 and 354 IPC and

sentenced him to undergo RI for six months with fine of Rs. 600/- u/s 457 and RI for four months with fine of Rs. 400/- u/s 354 IPC. Hence this revision.

4. At the outset, counsel for the applicant submits that his submission would be only in relation to the sentence part of the judgment impugned and he does not want to press the conviction part thereof. He submits that as the incident had taken place about 23 years back; that the accused/applicant has already remained in jail for 13 days; and that by now he must be in the midst of his family liabilities, it would be in the interest of justice if the jail sentence imposed on him is reduced to the period already undergone.

5. State counsel however supports the judgment impugned.

6. From the evidence of prosecutrix (PW-1) duly supported by her husband Maniram (PW-2), it is manifest that in the midnight of 28.08.1996 the accused/applicant had gained an entry in the room where the complainant was a sleeping and tried to remove her bed-sheet with an intention to outrage her modesty. Accordingly, the conviction of the accused/applicant u/s 457 and 354 IPC appears to be just and proper and is hereby maintained as such.

7. Since the accused/applicant has remained in jail for 13 days and further that a considerable period of 23 years has 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. Fine sentence to remain as it is.

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

Sd/-

(Vimla Singh Kapoor)

Judge