

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 18 of 2013**

- Kirtan Lal Sahu S/o Biselal Sahu Aged About 27 Years, R/o Village Buddhubharda, P.S. Lalbag, Tahsil And District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : The P.S. Lalbag, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Rakesh Thakur, Adv.
For Respondent/State	:	Mr. Anil Tripathi, PL.
For Complainant	:	Mr. Yogesh Pandey, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****17/09/2019**

1. The present revision arises out of the impugned judgment of conviction and order of sentence dated 04.01.2013 passed by the learned Sessions Judge, Rajnandgaon, in Cr. Appeal No. 5/2012 whereby, the learned appellate Court below has affirmed the conviction and sentence of the accused/applicant as awarded by the learned Chief Judicial Magistrate, Rajnandgaon, vide its judgment dated 02.02.2012 in Criminal Case No. 814/2009 for the offence punishable under Section 354 of IPC and sentenced him to undergo S.I. for six months.

2. Brief facts of the case are that complainant Smt. Yamuna Bai lived along with her husband (Birbal) and their children at village Buddhubhardha. Her husband is working in Solvent Company. On 21.06.2009, her husband was at night duty. After taking dinner, when the complainant was sleeping in courtyard along with her children, at about 12 O'clock the present applicant came there, put his hands on

her leg. When she raised alarm, the present applicant ran away from the spot and hearing her cries, her neighbour Sawti Bai, Devilal and Faguram came there. The complainant narrated the incident to them. Next day when her husband returned from duty, she also narrated the incident to her husband on account of that her husband conveyed a village Meeting, thereafter, on 25.06.2009, the complainant lodged a report at police Station Lalbag. After completion of investigation, charge-sheet was filed and charges were framed against the applicant under Section 354 of IPC.

3. So as to hold the accused/applicant guilty, the prosecution has examined as many as 8 witnesses. Statement of the accused/applicant was also recorded under Section 313 of the Cr.P.C. in which he denied the circumstances appearing against him and pleaded innocence and false implication in the case.

4. After hearing the parties, vide impugned judgment of conviction and order of sentence dated 02.02.2012, learned Chief Judicial Magistrate has convicted the accused/applicant of the offence punishable under Section 354 of IPC and sentenced him to undergo S.I. for 6 months. This order was appealed by the applicant and in the appeal, learned Appellate Court has affirmed the conviction and sentence of the applicant under Section 354 of IPC. Hence, the present revision.

5. Learned counsel for the applicant submits that during the pendency of this criminal revision, the parties have amicably settled their dispute by way of mutual consent, and a compromise application under Section 320 (1) of Cr.P.C. (I.A. No. 1/2018) and application under Section 320(2) of Cr.P.C. (I.A. No. 2/2018) have been filed for compounding the offence. Statement of both the parties have been recorded by this Court. The prosecutrix has stated that she does not want to pursue the criminal proceedings against the applicant, as they have already entered into compromise.

6. Learned counsel for the State on verifying the facts submits that the State does not have any objection in case if the parties are

permitted to compound the offence as the disputing parties have entered into a compromise.

7. Heard learned counsel for the parties and perused the material on record including the impugned judgment.

8. Having considered the facts and circumstances of the case, since the applicant and complainant have entered at compromise and settled their dispute, the incident took place way back in the year 2009 and the offence, at the relevant time, was a compoundable, the order dated 04.01.2013 is liable to be set aside.

9. Accordingly, the impugned judgment of conviction and order of sentence dated 04.01.2013 is set aside and the applicant is acquitted of charge under Section 354 of the IPC.

10. Hence, revision is allowed.

**Sd/-
(Rajani Dubey)
JUDGE**