

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 715 of 2013**

Kunalkishore Tiwari S/o Late A.P. Tiwari, aged about 25 years R/o Village
Arsikanhar, Police Station Mechka, Civil and Revenue District Dhamtari (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through the District Magistrate, Dhamtari (C.G.).

---- Respondent

For Applicant	:	Mr. Amit Sahu, Advocate
For Respondent	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**07/03/2019**

1. This revision has been preferred against judgment dated 21/10/2013 passed in Criminal Appeal No. 124/2012 by the Sessions Judge, Dhamtari arising out of judgment dated 31/07/2012 passed in Criminal Case No. 18/2012 by the Judicial Magistrate First Class, Nagri (C.G.), the Applicant stands convicted under Section 354 of the IPC and sentenced to undergo RI for 1 month with fine of Rs. 1000/- with default stipulation.
2. As per prosecution story, on 02/03/2012 at about 7:00 pm when the Prosecutrix was going from her house to the house of her aunt, on the way the Applicant asked her to iron his scarf. The Prosecutrix went inside the house of the Applicant to iron his scarf and at that time, the Applicant came inside and closed the door, and thereafter he tried to

outrage her modesty. She made hue and cry due to which, brother of the Prosecutrix came there and got open the door. The matter was reported by the Prosecutrix and offence under Section 342 and 354 of the IPC was registered.

3. After trial, the trial Court vide judgment dated 31/07/2012 convicted and sentenced the Applicant under Sections 342 and 354 of the IPC and sentenced him to undergo RI for 1 month with fine of Rs. 1000/- and RI for 1 month with fine of Rs. 1000/- respectively. In an appeal preferred by the Applicant, the Applicant has been acquitted from the charge framed under Section 342 of the IPC on the basis of compromise, however, he has been convicted under Section 354 of the IPC and sentenced as mentioned in paragraph one of this order. Hence, this revision.
4. Learned Counsel appearing for the Applicant submits that he does not want to press this revision on merits and confines his argument to the sentence part only. It is further submitted that the matter is of the year 2012, the Applicant is facing the *lis* since 7 years and out of total jail sentence of 1 month, the Applicant has undergone about 10 days, therefore, he prays that the jail sentence awarded to the Applicant 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, particularly considering that out of total jail sentence of 1 month, the Applicant has undergone about 10 days, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Applicant, the jail sentenced awarded to him is reduced to the period already undergone by him and the fine imposed upon under Section 354 of IPC is enhanced to Rs. 15,000/-. Ordered accordingly. The enhanced amount of fine shall be payable within 1 month from the date of receipt of a copy of this order. In default of payment, the Applicant shall be liable to undergo RI for 2 months. 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 revision is partly allowed to the extent indicated above.
9. It is reported that the Applicant/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