

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 239 of 2014**

1. Chandan Sai Ram, S/o Londko Ram, Aged about 19 years, R/o Village- Kuhapani, Thana Bagicha, Civil & Revenue District Jashpur, District Jashpur (C.G.)
2. Ramprasad Tigga, S/o Sudhna, Aged about 22 years, R/o Village- Sonmuth, Thana Sanna, District Jashpur (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh, through Police Station Bagicha, District Jashpur (C.G.)

---- Respondent

For Applicants	:	Mr. Sanjay Agrawal, Adv.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani DubeyOrder On Board**23.09.2019**

1. The present revision arises out of the impugned judgment of conviction and order of sentence dated 26.03.2014 passed by the learned Additional Sessions Judge (FTC) Jashpur, District Jashpur, in Cr. Appeal No. 64/2013 whereby, the learned appellate Court below has confirmed the conviction and sentence of the accused/applicants as awarded by the learned Judicial Magistrate First Class, Bagicha, District Jashpur, vide its judgment dated 17.09.2013 in Criminal Case No. 141/2013 for the offence under Section 354 of the Indian Penal Code and sentenced them to undergo R.I. for 1 year with fine of Rs. 1,000/- each, plus default stipulation.

2. As per the prosecution case, on 10.05.2013 at about 11.A.M., prosecutrix went to the Sarabcombo Ghughri forest which is

situated near her house, at that time, applicants came there and tried to outrage her modesty and also threatened her. After completion of investigation, charge-sheet has been filed and charges were framed against the applicants.

3. So as to hold the accused/applicants guilty, the prosecution has examined as many as 5 witnesses. Statement of the accused/applicants were also recorded under Section 313 of the Cr.P.C. in which they denied the charges leveled against them and pleaded innocence and false implication in the case.

4. After hearing the parties, vide impugned judgment of conviction and order of sentence dated 17.09.2013, learned Judicial Magistrate First Class has convicted and sentenced the applicants for the offence under Section 354 of the Indian Penal Code and sentenced them to undergo R.I. for 1 year with fine of Rs. 1,000/- each, plus default stipulation. This order was appealed by the applicants and in the appeal, learned Appellate Court has affirmed the conviction and sentence of the appellant. Hence, the present revision.

6. Counsel for the applicants submits that he does not want to press this revision on merits and confines his argument to the sentence part only. He further submits that the applicants are facing the *lis* since 2013, i.e. for the last 6 and a half years. Out of the total jail sentence of 1 year, they have already undergone 23 days and no useful purpose would be served in again sending them to jail, therefore, in the interest of justice, it would be appropriate if the sentence imposed upon them may be reduced to the period already undergone by them.

7. Learned counsel for the State opposed the prayer made by learned counsel for the applicants and supported the impugned judgment submitting that the applicants are very young and the incident happened just before 7 years, therefore, looking to the gravity of the crime in question, they may not be reduced to the period already undergone by them.

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

8. Having gone through the material on record and the evidence of the witnesses prosecutrix (PW-1), Jyoti Ekka (PW-2), Vimpla Bai (PW-3), Phuljens Ekka (PW-4), and Daimnic (PW-5), involvement of the accused/applicants in the crime in question stands proved beyond reasonable doubt.

8. Considering the above facts and circumstances of the case, I am of the opinion that the ends of justice would be met if, while upholding the conviction imposed upon the applicant under Section 354 of the Indian Penal Code, the jail sentence awarded to them thereunder is reduced to the period already undergone by them. Ordered accordingly. The sentence of fine imposed against the conviction under Section 354 of the Indian Penal Code is enhanced to Rs. 5,000/- payable within 8 months from the date of receipt of a copy of this judgment. In case of default of payment, the applicants shall be liable to undergo simple imprisonment for six months. If any amount has already been deposited towards fine imposed against the conviction under Section 354 of the Indian Penal Code, the same shall be adjusted in the amount of fine imposed today.

10. Consequently, the revision is allowed in part to the extent indicated above.

11. A copy of this judgment be sent back to the Court below for information and necessary compliance.

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