

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1472 of 2019

- Kanhaiya Netam @ Kannu, S/o Ful Singh Netam, Aged About 27 Years, R/o. Ambedkar Ward Kondagaon, P.S. and District-Kondagaon, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through District-Magistrate, Kondagaon.

---- Respondent

For applicant	:	Mr. Pramod Ramteke on behalf of Mr. Praveen Dhurandhar, Advocate.
For Respondent/State	:	Mr. Avinash Kumar Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

17/12/2019

Heard.

1. This petition is brought challenging the correctness, propriety and legality of the impugned order dated 21.8.2019 (Annexure-A/1) passed by the learned Sessions Judge, Kondagaon, Chhattisgarh in Criminal Appeal No.37/2018.
2. The applicant was prosecuted before the trial Court for the commission of offence under Sections 456 & 354 of IPC. It was alleged that on 14.9.2016 at about 10:45 pm, he committed lurking house tress-pass in the house of the victim (PW-1) and with intention to outrage her modesty, he was touching her body. On alarm being raised by her, the

applicant fled from the spot. FIR was lodged and after completion of investigation, charge-sheet was filed against the applicant under Sections 456 & 354 of IPC. The trial Court convicted the applicant under the aforesaid Sections and sentenced to undergo RI for 3 years with fine of Rs.1,000/- and RI for 2 years with fine of Rs.1,000/- respectively.

3. The judgment of conviction and order of sentence passed by the trial Court was challenged in an appeal before the Court of Sessions Judge, Kondagaon, in which, while maintaining conviction of the applicant, the order of sentence was modified. The sentence imposed under Section 354 of IPC was reduced to RI for 1 year with fine of Rs.5,000/-, whereas sentence imposed under Section 456 of IPC was reduced to 6 months RI along with fine of Rs.5,000/-.
4. It is submitted by the learned counsel appearing for the applicant, that now the applicant does not want to press this revision so far as the judgment of conviction passed by the learned trial Court and affirmed by the learned appellate Court is concerned, and that he only wants to press this revision petition against the order of sentence i.e. for further reduction in sentence imposed upon him.
5. After perusing the record of the trial Court as well as the appellate Court, I am of this opinion that the learned Courts below have not committed any error in coming to the conclusion that the applicant has committed the offence in question. Hence, the same does not call for any interference in exercise of revisional jurisdiction.
6. As regards the sentence part is concerned, the sentences imposed upon the applicant by the trial Court have been reduced by the appellate Court to some extent. The applicant has preferred this appeal through legal-aid-counsel provided by High Court Legal Services Committee. He is in jail for the last about 4 months.
7. Looking to the nature of offence committed, considering the young age of applicant and the fact that he does not have any criminal antecedent, I feel inclined to allow his prayer for reduction of sentences. Accordingly, the revision petition is allowed in part. Conviction of the applicant under Sections 354 & 456 of IPC is

maintained, but the sentences imposed under these sections are reduced to the period of detention already undergone by him. Sentence of fine is, however, maintained along with its default clause.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha