

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRA No. 1237 of 2019**

State of Chhattisgarh Through The Station House Officer, Kunkuri,  
District- Jashpur, Chhattisgarh. **---- Appellant**

**Versus**

Aslam Khan S/o Hatim Khan Aged about- 28 years Caste  
Musalman, R/o Village Siyam Majjid Mohalla, Present Address- In  
The Rented House of Arun Sai, Main Road, Kunkuri, District-  
Jashpur, Chhattisgarh. **---- Respondent**

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For Appellant : Mr. D.K. Tiwari, Dy. G.A.  
For State : Mr. Pragalbha Sharma, Advocate  
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**Hon'ble Shri Justice Ram Prasanna Sharma****Judgment on Board****22.01.2020.**

1. Heard on I.A. No. 01/2019, which is an application for condonation of delay in filing the instant appeal.
2. On due consideration, the application is allowed and the delay of 278 days in filing the instant appeal is hereby condoned.
3. Also heard on admission.
4. This appeal is preferred for enhancement of sentence awarded by the Special Judge constituted under Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, Jashpur (C.G.) passed on 20<sup>th</sup> of August, 2018 in Special (SC/ST) case No. 03/2017, wherein the said Court convicted the appellant for charge punishable under Section 354 of Indian Penal Code, 1860 and under Section 8 of Protection of Children from Sexual Offences and sentence him to undergo R.I. for 1 years with fine of Rs. 1,000/- , R.I. for 3 years and fine of Rs. 1000/- with default stipulations.

5. Maximum sentence that can be awarded under Section 8 of the POCSO Act, 2012 is 5 years. The sentence shall not be less than 3 years and trial Court awarded sentence of 3 years after considering the facts and circumstances of the case. Again the minimum sentence prescribed under Section 354 of IPC is 1 year and same is awarded by the trial Court. The maximum sentence that can be awarded under Section 354 of IPC is 5 years, when the trial Court has awarded sentence of 3 years it cannot be said that trial Court has taken a liberal view. It is also not a case where enhancement of sentence will serve any purpose. Therefore, interference of this Court is not required with the sentence passed by the trial Court.
6. Accordingly, The appeal is liable to be and is hereby dismissed at motion stage.

**Sd/-**

**(Ram Prasanna Sharma)**  
**JUDGE**