

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 26 of 2001**

- Mayaram, S/o Bihanuram Satnami, aged about 28 years, R/o Baradwar Basti, Thana- Baradwar, District- Janjgir-Champa, Chhattisgarh.

---- Appellant**Versus**

- The State of Chhattisgarh, through the District Magistrate Janjgir-Champa, Chhattisgarh.

---- Respondent

For Appellant	:	Mr. Ravindra Sharma, Advocate through Legal Aid
For Respondent/State	:	Mr. Anurag Verma, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****14/09/2021**

1. The present appeal arises out of the impugned judgment of conviction and order of sentence dated 09.12.2000 passed by the Additional Sessions Judge, Sakti, District- Bilaspur, in S.T. No. 97/2000 whereby, the learned Additional Sessions Judge, Sakti convicted the appellant and sentenced him as under :-

S. No.	Conviction	Sentence
01.	U/s 325 of the IPC	R.I. for one year and to pay fine of Rs. 2000/-, in default of the fine additional R.I. for three months
02.	U/s 323 of the IPC	R.I. for one year, in default of the fine additional R.I. for three months

2. Brief facts of the case are that on 24.07.1999 at about 6.00 P.M., when prosecutrix went to attend nature's call, at that time, appellant came there and caught hold of her hand and tried to outrage her modesty upon which the prosecutrix raised alarm and the appellant

fled away from the spot. It is stated that on the next day, when husband of the prosecutrix was coming after taking bath, on the way, appellant started abusing him and assaulted him with lathi. Two others namely Bhimram & Rajin @ Rajkumari also came and assaulted him with lathi and fists. Thereafter, FIR (Ex. P/1) was lodged against the appellant under Sections 325 & 323 of IPC. After investigation, charge-sheet was filed against the appellant and charges were framed against the appellant under Sections 325 & 323 of IPC.

3. So as to hold the accused/appellant guilty, the prosecution has examined as many as 12 witnesses. Statements of the accused/appellant was also recorded under Section 313 of the Cr.P.C. in which he denied the charges leveled 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 09.12.2000 passed by the Additional Sessions Judge, Sakti, District- Bilaspur, the appellant has been convicted and sentenced as mentioned in paragraph 1. Hence, the present appeal.

5. Learned counsel for the appellant submits that learned trial court has erred in holding the appellant guilty for the offence as aforementioned. He further submits that the impugned judgment of conviction and sentence is contrary to law and evidence available on record. The learned trial Court has erred in convicting the appellant under Sections 325 & 323 though the court below has acquitted the other three accused of all the alleged offence punishable under Sections 354, 506(b), 307 of IPC as the prosecution failed to prove its case. He next added that the medical report as well as witness has not supported the prosecution case and looking to the nature of the injuries, no offence U/s 325, 323 of IPC is made out against the appellant. The prosecution has failed to prove its case beyond reasonable doubt, the incident is said to have taken place in the year 1999, and thereby more than 20 years have rolled by since then, appellant has already remained in jail for about 1 month and no useful

purpose would be served in again sending him to jail, therefore, in the interest of justice, it would be appropriate if the sentence imposed upon him may be reduced to the period already undergone by him.

6. Learned counsel for the State has no objection to this preposition.

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

8. Having gone through the material on record and the evidence of the witnesses, it can be established that the involvement of the accused/appellant in the crime in question has been proved beyond reasonable doubt. This Court does not see any illegality in the findings recorded by appellate court below as regards conviction of the appellant under Sections 325 & 323 of IPC.

9. As regards sentence, keeping in view the facts that the incident had taken place in the year 1999, the appellant had already remained in jail for about 1 month, I am of the view that ends of justice would be served, if the sentence imposed on him is reduced to the period already undergone by him.

10. In view of the above, the appeal is partly allowed. While maintaining the conviction of the appellant, he is sentenced to the period already undergone by him. The appellant is reported to be on bail. His bail bonds shall stand discharged.

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