

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 673 of 2011

Bajrang @ Gevendra Verma, S/o. Vasudev Verma, aged about 36 years, R/o. Village Ravan, P.S. and Tahsil Suhela, District Raipur (CG)

---- **Applicant**

Versus

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

---- **Respondent**

For Applicant : Mr. A.P. Sharma, Advocate

For Respondent : Mrs. Smriti Shrivastava, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board on 18.02.2021

Case of the prosecution in brief is that on 18.03.2003 there was Holi festival. While, the prosecutrix (PW-1) was returning to her house after enjoying the colour, on the way the applicant met with her and asked her to past colour then she refused him to do so and thereafter, the prosecutrix only allowed to past *Tika* on her head. Thereafter, the applicant caught hold her with bad intention and pressed her breast. Prosecutrix (PW-1) opposed the same, then the appellant/accused left her. After the incident, the prosecutrix reached her home and narrated the incident to her parents. FIR (Ex.P-1) was lodged by the prosecutrix (PW-1) against the applicant in Police Station Suhela under Section 341 and 354 IPC. After completion of investigation, charge sheet was filed against the applicant in the same sections.

2. By the judgment dated 03.11.2011 learned trial Court convicted the accused/applicant under Section 354 IPC and imposed the sentence of SI for 2 months and to pay fine of Rs. 500/- u/s. 456 IPC plus default stipulation. Learned Lower Appellate Court vide judgment impugned dated 11.11.2011 passed in Criminal Appeal No. 06/2011 modified the sentence to the extent of S.I. for one month and fine of Rs.500/-, plus default stipulation. Hence this revision.

3. Counsel for the accused/applicant apart from vehemently arguing his case makes an alternative prayer that if his submissions do not yield any positive result on conviction part of the judgment impugned, keeping in mind the fact that the accused/applicant has already faced a lot for his misdeeds and remained inside for about 15 days, the sentence imposed on him may be reduced to the period already undergone.

4. State counsel however supports the judgment impugned and submits that the concurrent findings of fact recorded by both the Courts below being well grounded and well founded do not call for any disturbance in these revisions.

5. Heard learned counsel for the parties and perused the judgment impugned and the evidence available on record carefully.

6. In view of the categorical statement of the prosecutrix (PW-1) where she has stated that on the date of incident at about 12.30 pm when she was returning to her house after

playing colours from her relative's house at that time the applicant met with her on the way and asked her to play colours with him then the prosecutrix only allowed him to put Tika on her head. The applicant pasted Gulal on her face and thereafter the applicant pressed her breast with an intention to outrage her modesty. During her limited cross-examination, the prosecutrix (PW-1) denied all the suggestions that she falsely made the FIR (ExP-1) due to dispute between her father and the applicant with regard to old dispute of Grasim Cement factory. The evidence of the prosecutrix (PW-1) gets complete corroboration from the testimony of Babulal (PW-3) Rajeev Netam (PW-4) and Kaushilya Bai (PW-3) with whom the prosecutrix (PW-1) has narrated the incident after reaching her home. Kamal Singh Chandrakar (PW-6) is the police witness who registered the FIR in police station and has also supported the case of the prosecution. Thus, the conviction of the accused/applicant recorded by both the Courts below under Section 354 IPC does not appear to suffer from any legal flaw warranting any interference in this revision. It is hereby affirmed accordingly.

7. As regards sentence, keeping in view the fact that the incident had taken place in the year 2011, that the accused/applicant has already remained in jail for a period of 15 days and further that by now he must be leading a well settled life saddled with innumerable responsibilities, this

Court thinks it proper to reduce the sentence imposed on him to the period already undergone. Order accordingly.

8. With the above, the revision stands allowed in part.

Sd/-

(Vimla Singh Kapoor)

JUDGE

Santosh