

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Criminal Revision No. 672 of 2014**

Kamlesh Kenwat S/o. Ramkhilavan Kenwat, aged about 21 years,  
R/o. Lalkhadan Bilaspur, P.S. Torwa Tahsil, Revenue and Civil District  
Bilaspur (CG)

**---- Applicant**

Versus

State of Chhattisgarh, Through the District Magistrate Bilaspur  
District Bilaspur (CG)

**---- Respondent**

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For Applicant : Mr. P.K. Tulsian Advocate  
For Respondent : Mr. Sameer Sharma, PL  
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**Hon'ble Smt. Justice Vimla Singh Kapoor**

**Order on Board on 06.04.2021**

Case of the prosecution in brief is that on 26.06.2012 at about 10.00 PM in the night while the prosecutrix was talking on her mobile, at that time, the applicant came there and used criminal force to her with intent to outrage her modesty and dragged the prosecutrix towards the street. At the same time, the prosecutrix shouted for help to her mother and grandmother then the applicant slapped on her face and left her on the spot and run away from there. As a result of assault, the prosecutrix suffered injuries on her face. After the incident, the prosecutrix lodged the FIR (Ex.P-1) in Police Station Torwa under Section 294, 323 and 354 (kha) IPC. After completion of investigation, charge sheet was filed against the applicant in the same section.

**2.** After examining the material available on record and the evidence of the witnesses the trial Court convicted the accused/applicant under Sections 323 and 354 IPC and sentenced him to undergo RI for three months and to pay fine of Rs. 1000/- u/s. 354 IPC, RI for three months and to pay fine of Rs. 500/- u/s. 323 IPC plus default stipulations. In appeal, learned lower Appellate Court also affirmed the findings recorded by the Magistrate in *toto* vide judgment impugned dated 10.09.2014 passed in Criminal Appeal No. 133/2014. Hence this revision.

**3.** Conviction is not being pressed on merit and the sole prayer made by the counsel for the applicant is confined to reduction of sentence imposed on the accused/applicant to the period already undergone on account of the fact that the case is quite old and the accused/applicant has already remained in jail for some time.

**4.** State counsel however, supports the findings recorded by the both the Courts below.

**5.** Having heard counsel for the parties and perused the material available on record including the evidence of the prosecutrix (PW-1) where she has stated the incident that at about 10.00 pm in the night while she was talking on her mobile with her husband then the applicant came there in a drunken condition and caught hold her hand and tried to drag towards street and used criminal force on her with intent to outrage her modesty then the prosecutrix shouted for help. On hearing her voice, her mother and grandmother came there for help thereafter, the applicant left her on the spot and run away from there. She stated that she along with her mother went to police station and lodged the report

against the applicant. During her limited cross-examination, the prosecutrix (PW-1) denied all the suggestions that she falsely made the FIR (ExP-1) against the applicant. The evidence of the prosecutrix (PW-1) gets complete corroboration from the testimony of Neha Sahu (PW-3). Dr. B.K. Vaishnav (PW-5) has examined the prosecutrix and supported the case of the prosecution under (Ex.P-3). D.R. Markam (PW-4) 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 Sections 323 and 354 IPC does not appear to suffer from any legal flaw warranting any interference in this revision. It is hereby affirmed accordingly.

**6.** As regards sentence, considering the fact that the incident had occurred in the year 2013 and since then considerable period has passed by and further that the accused/applicant has remained in jail for about 17 days, this Court thinks it proper to reduce the sentence imposed on him to the period already undergone. Order accordingly.

**7.** Revision is thus allowed in part.

Sd/-  
**(Vimla Singh Kapoor)**  
**JUDGE**