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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA**

ON THE 8th OF JANUARY, 2024

CRIMINAL REVISION No. 615 of 2014

BETWEEN:-

**RAJENDRA S/O KAMAL, AGED ABOUT 25 YEARS, VILL.
KODBAR TEH. BADWAH DISTT. KHARGONE (MADHYA
PRADESH)**

.....APPLICANT

(BY SHRI HARISH CHANDRA TRIPATHI - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THR.PS. BALWADA DISTT.KHARGONE
(MADHYA PRADESH)**

.....RESPONDENT

(BY MS. BHAGYASHREE GUPTA - PUBLIC PROSECUTOR)

.....
*This revision coming on for orders this day, the court passed the
following:*

ORDER

With the consent of the parties, the matter is heard finally.

2. The present Revision is filed under Section 397 & Section 401 of Cr.P.C being aggrieved by the order dated 29/5/2014 passed by ASJ, Badwah, District Khargone in Criminal Appeal No.116/12 whereby the applicant has been found guilty under Section 354 of IPC and sentenced to undergo R.I for 6 months and fine of Rs.500/- and in default of payment additional RI for 15 days. The initial order of conviction as mentioned above was passed was JMFC, Badwah in criminal Case No.616/09 by judgment dated 19/4/2012. By the impugned order the conviction and sentence of the applicant has been affirmed.

3. The prosecution case is that on 22/9/2009, the prosecutrix lodged a report that when she was working in the field of cotton, the applicant came and with bad intention caught hold her and when she tried to run away from the spot, her bangles were broken. The testimony of the prosecutrix is supported by the prosecution witnesses. The other witness PW 2/Kalyan (husband of the prosecutrix) and PW 3/Jatansingh (Brother-in-law of the prosecutrix) have supported the case. The defence of the applicant that the prosecutrix was a consenting party was not believed by both the Courts.

4. Considering the aforesaid, I do not find any illegality or perversity in the impugned orders of conviction and sentence warranting any interference.

5. At this stage, counsel for the applicant submits that the incident is of the year 2009 and at that time under the provisions of Section 356 of IPC, no minimum jail sentence was prescribed. The applicant has already undergone jail sentence of about 22 days and was on bail during trial and appeal and did not misuse the liberty. No purpose would be served in sending the applicant in jail after such long period.

6. Considering the aforesaid submission, though the conviction of the applicant is maintained, however, the jail sentence of the applicant is reduced to the period already undergone and the fine amount is enhanced from Rs.500/- to Rs.5500/- which shall be deposited within period of one month from today. Out of the said amount Rs.5000/- shall be paid to the prosecutrix as compensation, by the Trial Court. If the enhanced fine amount is deposited within the said period, the bail bond of the applicant shall be discharged. If the enhanced fine amount is not deposited within the said period, the applicant shall undergo the remaining jail sentence as awarded by the Appellate Court.

7. With the aforesaid, the Revision is **partly allowed and disposed off.**

(VIJAY KUMAR SHUKLA)
JUDGE

Pramod

