AJAY KUMAR DWIVEDI
cn=AJAY KUMAR DWIVEDI, ou=HIGH COURT, o=HIGH COURT OF CHHATTISGARH, st=Chhattisgarh, c=IN

CGHC010230272022 2026:CGHC:47103

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1161 of 2022

Laxminarayan Patel S/o Ganesh Ram Patel, Aged About 19 Years, R/o Dewar Basti, Subhashnagar, Police Station Telibandha, District Raipur, Chhattisgarh.

... Appellant.

Versus

State Of Chhattisgarh Through Police Station Telibandha, District Raipur Chhattisgarh

... Respondent.

(cause title downloaded from CIS Periphery)

For Appellant	:	Ms. Priyanka Rai, Advocate.
For State	:	Mr. R. N. Sahu, Dy. GA.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

16/11/2026

1. This criminal appeal under Section 374(2) of the Code of Criminal Procedure, 1973 has been preferred by the appellant being aggrieved by the impugned judgment of conviction and order of sentence dated 29.06.2022 passed by the learned Additional Sessions Judge, First Fast Track Special Court, Raipur, District Raipur (C.G.) in Special Criminal Case No. 12/2019, whereby the appellant has been convicted and sentenced as under:-

Conviction	Sentence
Under Section 354-B/34 of the IPC	Rigorous imprisonment for 04 years and fine of Rs. 100/-, in default of payment of fine, additional rigorous imprisonment for 01 month.

Under Section 451/34 of the IPC	Rigorous imprisonment for 06 months and fine of Rs. 100/-, in default of payment of fine, additional simple imprisonment for 07 days.
Under Section 506-B/34 of the IPC	Rigorous imprisonment for 06 months and fine of Rs. 100/-, in default of payment of fine, additional rigorous imprisonment for 15 days.
Under Section 323/34 of the IPC	Rigorous imprisonment for 06 months and fine of Rs. 100/-, in default of payment of fine, additional simple imprisonment for 07 days.

(All the substantive jail sentences were directed to run concurrently.)

2. The prosecution case, in brief, is as follows. On 28.10.2018, at about 01:30 PM to 03:00 PM, the prosecutrix (PW-1), who was a minor aged about 14 years and 02 months at the time of the incident, had gone to a Sulabh Shauchalaya (public toilet) in her locality to fetch water. At that time, the appellant Laxminarayan Patel alias Lachhi, along with a juvenile in conflict with law, acting in furtherance of their common intention, caught hold of the prosecutrix with ill intention, dragged her towards the Sulabh Shauchalaya, and tore her clothes in an attempt to disrobe her. Somehow, the prosecutrix freed herself and ran back to her house, where she narrated the incident to her mother (PW-2). Immediately thereafter, the appellant and the juvenile in conflict with law forcibly entered the house of the prosecutrix, assaulted both the prosecutrix and her mother with hands and fists, pulled the prosecutrix's hair, and threatened to kill them. On the written complaint (Ex. P-1) lodged by the prosecutrix on the same day at Police Station Telibandha, District Raipur (C.G.), FIR was registered against the appellant and the juvenile in conflict with law. During the course of investigation, the spot map (Ex. P-2) was prepared, the prosecutrix and her mother were medically examined (Ex.

P-6 and Ex. P-7), and documents relating to the age of the prosecutrix were seized. After completion of investigation, the charge-sheet was filed.

3. The appellant was charged under Sections 354-B/34, 451/34, 294/34, 506-B/34, and 323/34 of the IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'the POCSO Act'). However, he abjured his guilt and claimed for trial. The prosecution examined 05 witnesses and exhibited 18 documents. In his statement recorded under Section 313 of the CrPC, the appellant pleaded innocence and false implication, however examined no witness in his defence.

4. By the impugned judgment, the learned trial Court convicted the appellant under Sections 354-B/34, 451/34, 506-B/34, and 323/34 of the IPC as well as Section 8 of the POCSO Act. In view of Section 42 of the POCSO Act, the trial Court awarded sentence under Section 354-B/34 of the IPC (being the greater punishment) instead of Section 8 of the POCSO Act, along with sentences under Sections 451/34, 506-B/34, and 323/34 of the IPC as mentioned in the initial paragraph of this judgment. Hence, this appeal.

5. Learned counsel for the appellant does not press the appeal against the conviction and confines his submissions solely to the question of sentence. She submits that the appellant was a young boy aged about 19 years at the time of the incident and is a first-time offender with no previous criminal antecedents. She further submits that out of the maximum substantive jail sentence of 04 years rigorous imprisonment, the appellant has already undergone more than 03 years and 10 months till date. She also submits that though there is allegation that the appellant molested the victim but she did not inflict any injury, rather allegation of assault does not get support from the medical evidence. In these circumstances, she prays that the substantive

jail sentence imposed upon the appellant may be reduced to the period already undergone by him.

6. Learned counsel for the State supports the impugned judgment and submits that the judgment of conviction and order of sentence is based on a proper appreciation of the evidence on record and does not call for any interference. He also submits that the appellant not only molested the victim and her mother but also assaulted them by entering their house. However, he does not dispute the fact that the appellant has already undergone maximum period of jail sentence awarded to him.

7. I have heard learned counsel for the parties and perused the record of the trial Court.

8. Although the conviction is not pressed by learned counsel for the appellant, however, this Court has re-examined the record to ascertain the correctness, legality, and propriety of the impugned judgment of conviction.

9. Minor victim (PW-1) and her mother (PW-2) have categorically stated that present accused along with a juvenile in conflict with law molested the victim and her mother and also assaulted them after entering in their house. Further, corroboration is found in the prompt FIR (Ex. P-12) lodged on the same day, the statement of the prosecutrix under Section 164 CrPC (Ex. P-4), and the medical evidence of Dr. Smt. P. Chouhan (PW-3), who proved the MLC report (Ex. P-7) showing scratch marks on the left side of the neck and redness on the left cheek of the prosecutrix's mother.

10. In view of the aforesaid clinching oral, documentary, and medical evidence, the learned trial Court rightly held that the prosecution had proved its case beyond reasonable doubt against the appellant. This Court finds no illegality or perversity in the findings recorded by the trial Court. Accordingly, the

conviction of the appellant under Sections 354-B/34, 451/34, 506-B/34, and 323/34 of the IPC is hereby affirmed.

11. As regards the sentence, the trial Court imposed the maximum sentence of rigorous imprisonment for 04 years under Section 354-B/34 of the IPC and 06 months each under Sections 451/34, 506-B/34, and 323/34 of the IPC, directing all substantive sentences to run concurrently.

12. In Mohammad Giasuddin v. State of Andhra Pradesh, (1977) 3 SCC 287, the Hon'ble Supreme Court emphasised that criminal law must lean towards the reformation and rehabilitation of the offender, and that, as observed in the words of George Bernard Shaw quoted therein, men are not improved by injuries. Sentencing must therefore be proportionate to the gravity of the offence and must take into account the age, antecedents, and circumstances of the offender as well.

13. As per the jail report dated 30.10.2026 sent by the Superintendent, Central Jail, Raipur (C.G.), the appellant remained in custody from 07.12.2018 to 18.01.2019 (01 month and 13 days), from 16.03.2020 to 15.06.2020 (03 months and 01 day), from 30.04.2022 to 28.06.2022 (01 month and 29 days), from 29.06.2022 to 23.06.2023 (11 months and 25 days), and again from 19.07.2024 till 30.10.2026 (02 years, 03 months, and 13 days), thereby completing a total actual detention period of 03 years, 09 months, and 21 days as of 30.10.2026, and over 03 years and 10 months as of today. Thus, he has already undergone more than the statutory minimum sentence and nearly the entire 04-year sentence imposed by the trial Court.

14. Considering the totality of the facts and circumstances of the case and the substantial period of incarceration already undergone by the appellant, this Court is of the considered view that the ends of justice would be subserved if

the substantive jail sentence awarded to the appellant is reduced to the period already undergone by him, as mentioned above.

15. Accordingly, the appeal is partly allowed. While maintaining the conviction of the appellant, the substantive jail sentence imposed upon the appellant is reduced to the period already undergone by him. However, the fine amount and their respective default stipulations are maintained.

16. The appellant is reported to be in jail. He be released forthwith, if not required in any other case.

17. The appellant shall also furnish a personal bond in the sum of Rs. 20,000/- in the like amount before the trial Court, which shall remain effective for a period of six months, in view of the provisions of Section 437-A of the CrPC (corresponding to Section 481 of the BNSS, 2023).

18. Record of the trial Court along with a copy of this judgment be sent back forthwith for information and necessary compliance. A copy of this judgment shall also be sent to the concerned Jail Superintendent where the appellant is undergoing the jail sentence.

19. Pending application(s), if any, stand disposed of.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Ajay