CGHC010415482019 2026:CGHC:43284

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Criminal Revision No.1549 of 2019

Tukaram Sahu S/o Jarhu Ram Sahu Aged About 40 Years Resident Of Village Mokhla, P.S. O.P. Suragi, District Rajnandgaon (CG) **... Applicant**

versus

State Of Chhattisgarh Through District Magistrate Rajnandgaon District Rajnandgaon Chhattisgarh. **... Non-Applicant**

For Applicant	:	Shri Shashi Kumar Kushwaha, Advocate.
For Non-Applicant/State	:	Dr. (Smt) Richa Pandey, PL.

Hon'ble Shri Sudhir Kumar, Judge
Order on Board

06.10.2026

1. The present Criminal Revision has been preferred against the judgment of conviction and sentence dated 31.10.2019 passed by the Additional Sessions Judge, Rajnandgaon, District Rajnandgaon (C.G.) in Criminal Appeal No.70/2019,

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whereby the appellate Court has dismissed the Appeal preferred by the Applicant and affirmed the judgment of conviction and sentence dated 01.06.2019 passed by the Judicial Magistrate First Class, Rajnandgaon, District Rajnandgaon (C.G.) in Criminal Case No.5639/2013, whereby the Applicant has been convicted under Sections 451 and 354 of the IPC and sentenced to undergo simple imprisonment for one year and pay a fine of Rs.1,000/- under each of the aforesaid sections, with usual default stipulation with a direction that both the sentences shall run concurrently.

2. The facts of the case, in brief, are that on 21.04.2013 at about 12:00 noon, when the complainant and her husband, Nokheram Sahu, were sleeping in their room at their house situated at Village Mokhla, the complainant opened the rear door of the house to go outside to urinate. At that time, the Applicant/accused, on seeing her, came near the door of the house and made an indecent remark to her. When the complainant objected to the same, the Applicant/accused forcibly entered the house. Thereafter, when the complainant proceeded towards the cattle shed, the Applicant/accused pushed her to the ground and caught hold of her with an intention to commit rape. When the complainant raised an alarm, the Applicant/accused threatened to kill her if she

shouted further. On hearing her cries, her husband and son, Tulsidas, came there and attempted to apprehend the Applicant/accused, resulting in a scuffle, whereafter the Applicant/accused managed to flee from the spot through the door. As there was no one in the neighbourhood at that time, the complainant informed her brother-in-law, Makhanlal Sahu, over the phone and thereafter went to the Police Station along with her husband and lodged the First Information Report. Accordingly, the offence was registered and taken up for investigation and upon completion of investigation, the charge-sheet was filed before the competent Court.

3. Learned Counsel for the Applicant submits that the conviction and sentence recorded by the trial Court are contrary to the evidence on record and suffer from improper appreciation and marshaling of the prosecution evidence. He submits that Makhanlal Sahu (P.W.1), who was informed telephonically about the alleged incident, has not supported the prosecution case and has turned hostile. He further submits that the trial Court has principally relied upon the testimony of the complainant (P.W.3), which is unreliable and suffers from material contradictions and omissions, particularly in view of the previous enmity between the parties. It is further submitted that the prosecution has failed to prove the

essential ingredients of the offences punishable under Sections 451 and 354 of the IPC beyond reasonable doubt and that the conviction is based on surmises and conjectures. He lastly submits that the impugned judgment of conviction and order of sentence deserve to be set aside.

4. Contrarily, learned Counsel for the State supported the judgment impugned.

5. I have heard learned Counsel for the parties, perused the impugned judgment and also gone through the record carefully.

6. Upon careful examination of the judgments passed by the trial Court as well as the learned 1st Appellate Court, this Court finds that the evidence available on record has been duly appreciated in its proper perspective and the concurrent findings recorded therein are based on cogent and adequate reasons and as such, no perversity, illegality, infirmity or error of law or fact has been brought to the notice of this Court warranting interference with such concurrent findings.

7. Accordingly, the present Revision, being devoid of any merit, is hereby **dismissed.**

8. As per the record, the Applicant has already undergone the

entire sentence imposed upon him and therefore, he is not required to surrender before the concerned Court.

Sd/-
(Sudhir Kumar)
Judge

Priya