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CRIMINAL REVISION 94 OF 2003

Petitioner :

Chhat Ram Suryavanshi
S/o Bharat Lal Survanshi
Aged 38 years, Resident
Rani para Ratanpur,
District Bilaspur (C.G)

Versus

Respondent:

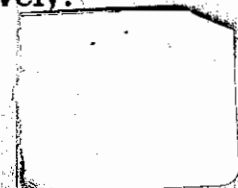
State of Chhattisgarh
Through P.S. Ratanpur
District Bilaspur.

Miss Nirupama Bajpai, counsel for the petitioner.
Shri Prafulla Bharat learned Panel Lawyer for the State.

ORDER

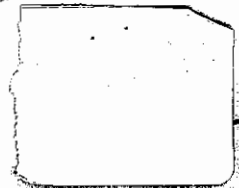
BY JUSTICE L.C. BHADOO

1. The accused/applicant has preferred this criminal revision under Section 397 of the Cr.P.C. against the judgment dated 24th December, 2002 passed by the 2nd Additional Sessions Judge, Bilaspur, in criminal appeal No. 53/2002 by which the learned Additional Sessions Judge dismissed the appeal of the accused/applicant against the judgment passed by the J.M.F.C. Bilaspur in criminal case No. 48/2002 and confirming the sentence passed by the J.M.F.C. by which he convicted the accused/applicant under Section 354 and 323 of the Indian Penal Code and sentenced him to under go 6 months R.I. and to pay fine of Rs. 300/-, in default of payment of fine, to further under go 45 days simple imprisonment and R.I. for 3 months respectively.



(17)

2. The relevant facts for the disposal of this criminal revision are that when in the evening of 29-7-2002 Tulsibai was going to fetch water from the pond, the accused/applicant was standing near the pond and when the accused/applicant saw the complainant Tulsibai going towards Talab he chased her and when she was in the street, with the intention to outrage her modesty, the accused/applicant pressed the breast of complainant, when the complainant objected to it, then the accused/applicant threatened her to disclose this fact to the people of the vicinity and he slapped on her cheek. On returning the complainant disclosed this fact to her husband Rameshwar and others namely, Lalit, Ramphal and Manohar and Panchayat was convened in the night and before the Panchayat the complainant disclosed the incident and the second day a complaint was lodged before the P.S. Ratanpur. The complainant was medically examined and after investigation challan under Section 354 and 323 of the I.P.C. filed against the accused/applicant. After recording the evidence of the prosecution and statement of the accused and after hearing counsel for the parties, the learned Judicial Magistrate 1st Class convicted and sentenced the accused/applicant mentioned above.



(18)

Magistrate 1st Class convicted and sentenced the accused/applicant mentioned above.

3. I have heard the learned counsel for the accused/applicant and the learned Deputy Advocate for the State.

4. The counsel for the accused/applicant did not argue on the merit of the case. Further she requested that since it is a first offence of the accused/applicant and accused has already deposited the fine amount and served two months sentence, therefore, he may be sentenced for the period already under gone by him and he may be released.

5. There is nothing on record which goes to show that the accused is a habitual offender or some other criminal case is pending against him.

6. Being his first case and having regard to the request made by the learned counsel for the accused, this court is of the opinion that the ends of justice would be met if the accused's sentence is reduced to already under gone which is two months. While maintaining the conviction under Section 354 and 323 of the I.P.C., the revision is partly allowed and sentenced is reduced to already under gone. If the accused is not required in another case, he may be set at liberty immediately.

Bame

Sd/-
L.C. Bhadoo
Judge