

**HIGH COURT OF TRIPURA  
AGARTALA**

Crl.Rev.P. No.63/2015

Sri Gopal Das

-----Petitioner(s)

Versus

The State of Tripura

-----Respondent(s)

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For Petitioner(s) : Mr. Kundan Pandey, Advocate.

For Respondent(s) : Mr. Ratan Datta, P.P.

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**HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI**

**Order**

**29/11/2019**

This revision petition is filed by the original accused who has been convicted for offence punishable under Section 354 of the Indian Penal Code (IPC, for short). The learned Judicial Magistrate by judgment dated 25.08.2014 awarded sentence of simple imprisonment for a period of 2(two) years and fine of ₹1,000 (rupees one thousand). The accused challenged the said judgment of the learned Magistrate before the Sessions Court. In appeal, the Sessions Court confirmed the conviction but reduced the sentence to one year of simple imprisonment. Thereupon present criminal revision petition has been filed.

The prosecution case was that on 24.10.2012 minor daughter of the complainant (hereinafter to be referred to as the victim) aged about 14 years was travelling on foot along with her friend Pinki at about 12 O'clock in the afternoon. When they were passing from the Sachindranagar Colony area, the accused dragged the victim girl at a nearby lonely place close to rubber plantation,

pushed her on the ground, misbehaved with her and tried to remove her dress and groped with her body.

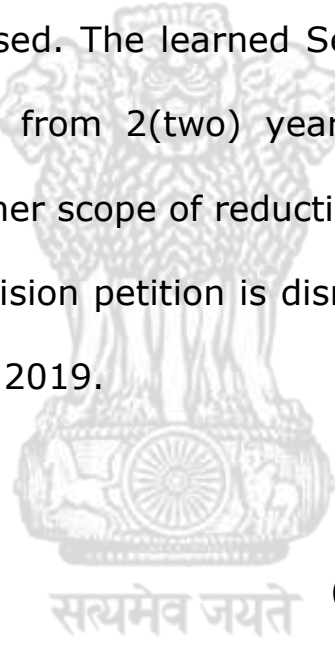
The prosecution examined several witnesses including the victim girl as PW-1, her friend and companion Pinki as PW-2, the complainant mother of the victim as PW-3, father of the victim as PW-8.

PW-1, the victim girl had deposed before the Court that on 24.10.2012 she, accompanied by her friend Pinki had gone to a nearby hospital for delivering food for her sister-in-law who was admitted in the hospital for delivery. While returning from the hospital when they were crossing the tea garden near the rubber plantation at about 12 in the afternoon the accused suddenly came there, caught her and tried to undress her which she resisted and somehow managed to escape. Her friend Pinki called her mother and informed her about the incident. Substantially similar version was given by Pinki, PW-2. Both these were eye witnesses. No substantial inconsistencies, improvements or contradictions have been extracted through the cross-examination of these witnesses. Their version was corroborated by the other witnesses to whom these girls had narrated the incident shortly thereafter. To all these witnesses except PW-8, the father of the victim, the defence made no suggestion of why the accused could be falsely implicated. It was only in the cross-examination of PW-8 that an attempt was made to suggest that on account of disputes regarding catching fish a false case was created against the accused which was duly denied by the witness.

The Courts below have assessed the evidence and found the prosecution version reliable. Learned Magistrate came to the conclusion that the place where the alleged incident took place was isolated and, therefore, could have been deserted in the afternoon hours. These findings of the Courts below cannot be disturbed in exercise of revisionary powers since in any case I do not find that there has been any miscarriage of justice in assessing the evidence on record.

Once this much is clear, there can be no interference with the conviction of the accused. The learned Sessions Judge has already reduced the sentence from 2(two) years to one year of simple imprisonment. No further scope of reduction is there.

In the result, revision petition is dismissed. Time to surrender is granted up to 30.12.2019.



**(AKIL KURESHI), CJ**