
(2019) 12 CHH CK 0055
In the Chhattisgarh High Court
Case No : Criminal Appeal No. 63 Of 2018

Bhakla Satnami @ Raju

APPELLANT

Vs

State Of Chhattisgarh Through

RESPONDENT

Date of Decision : 16-12-2019

Acts Referred:

Indian Penal Code, 1860 — Section 307, 354, 451
Code Of Criminal Procedure, 1973 — Section 161, 313

Citation : (2019) 12 CHH CK 0055

Hon'ble Judges : Arvind Singh Chandel, J

Bench : Single Bench

Advocate : Deepak Jain, Seema Dixit

Final Decision : Partly Allowed

Judgement

1. This appeal has been preferred against the judgment dated 05/12/2017 passed in Session Case No. 167/2015 by the Learned Additional Sessions Judge, (FTC), District Raipur (C.G.), whereby the Appellant has been convicted under Sections 354, 451 & 307 of the Indian Penal Code and sentenced to undergo RI for 2 years with fine of Rs. 500/-, RI for 2 years with fine of Rs. 500/- & RI for 5 years with fine of Rs. 1,000/- respectively, with default stipulations. All the sentences to run concurrently.

2. Facts of the case, the victim is a lady aged about 48 years. According to the prosecution story on 09.05.2017 at about 7-8 PM, when the victim was alone in her home and was cooking food at that time, the Appellant who is a neighbor of the victim entered in her home and tried to outrage her modesty and when she objected, the appellant with intention to kill her strangled her due to that she became unconscious, the appellant thought that she was dead and fled away from the spot. After given information to the police, police has reached the spot and hospitalized the victim. On 10.05.2015, the victim made a written complaint. On the basis of said complaint, offence has been registered. Statement of the prosecutrix as well as other witnesses were recorded under Section 161 of

Cr.P.C.. After completion of investigation, a charge-sheet was filed. Trial Court framed the charges. As many as 8 prosecution witnesses have been examined. No defence witness has been examined. Statement of the Appellant under Section 313 of the Cr.P.C has been recorded, wherein he has pleaded his innocence and false implication in the matter.

3. After trial, the trial Court has convicted and sentenced the Appellant as mentioned in paragraph one of this judgment. Hence, this appeal.

4. Learned Counsel appearing for the Appellant submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. He further submits that the victim sustained no grievous injury, according to the case of prosecution itself shows that when the appellant tried to outrage the modesty of the victim, she objected and by strangling her he fled away from the spot. He further submits that the Appellant has already undergone about 4 years out of total jail sentence of 5 years, he has no criminal antecedent and he is facing the lis since last four years, therefore, he prays that the jail sentence awarded to the Appellant may be reduced to the period already undergone by him.

5. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.

6. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.

7. Considering the above facts and circumstances of the case, particularly considering that out of total jail sentence of 5 years, the Appellant has undergone about 4 years, he is facing the lis since last four years and there is no criminal antecedent against him, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Appellant, the jail sentence awarded to him is reduced to the period already undergone by him.

8. Consequently, the appeal is partly allowed. The conviction of the Appellant under the aforementioned section is affirmed and he is sentenced to the period already undergone by him. The fine sentence is affirmed.

9. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.