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**(2012) 07 CHH CK 0043**  
**In the Chhattisgarh High Court**  
**Case No : Criminal Revision No. 372 of 2012**

Yad Ram Verma

APPELLANT

Vs

State of Chhattisgarh

RESPONDENT

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**Date of Decision :** 10-07-2012

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 313  
Penal Code, 1860 (IPC) — Section 342, 354

**Citation :** (2012) 4 CGBCLJ 98

**Hon'ble Judges :** T.P. Sharma, J

**Bench :** Division Bench

**Advocate :** C.R. Sahu, for the Appellant; Vinod Tekam, PL for NA, for the Respondent

**Final Decision :** Dismissed

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## Judgement

T.P. Sharma, J.—By this revision the applicant has challenged legality and propriety of the judgment dated 30.5.2012 passed by the 5th Additional Sessions Judge, Raipur, in Criminal Appeal No. 37/2012, affirming the judgment of conviction & order of sentence dated 23.3.2012 passed by the Judicial Magistrate First Class, Tilde, in Criminal Case No. 233/2011, whereby & whereunder the JMFC after holding the applicant guilty for commission of offence punishable under Sections 342 and 354 of the IPC sentenced him to undergo R.I. for six months and fine of Rs. 500/-, in default of payment of fine to further undergo R.I. for fifteen days. Brief facts of the case are that on 29.11.2011 the present applicant has called three minor girls namely Ku. Manisha Verma, aged about 10 years, Ku. Pooja Verma, aged about 7 years and Ku. Lckeshwari, aged about 8 years for providing lemon (attara) and took them inside the room, after closing the room he removed undergarments of three minor girls and touched their bodies, he was also trying to ride upon minor girl Ku Manisha Verma (PW-2). After sometime, their classmates come to call them, then they went to school. Matter was reported. After completion of investigation, charge sheet was filed.

2. In order to prove the guilt of the accused/applicant, the prosecution has examined as many as thirteen witnesses. The accused was examined u/s 313 of the Cr.P.C., in which he denied the circumstances appearing him and claimed innocence and false implication in crime in question.

3. After providing opportunity of hearing to the parties, the Judicial Magistrate First Class, Tilde has convicted & sentenced the applicant as aforementioned. Same has been affirmed by the appellate Court.

4. I have heard learned counsel for the parties, perused the judgment impugned, judgment of the trial Court and records of the Courts below.

5. Learned counsel for the applicant submits that the applicant is aged about 60 years, he has not committed any offence and he has been falsely implicated in crime in question. The Courts below have relied upon the evidence of child witnesses and without there being any corroboration there is every possibility of tutoring the witnesses.

6. On the other hand, learned Panel Lawyer for the State opposes the revision and submits that act of the applicant is the offence as well as immoral and he is not entitled for any lenient view, even in sentence.

7. I do not find any illegality in concurrent finding of both the Courts below relating to the fact that the applicant has called three minor girls, he took them inside the room, thereafter he has removed their undergarments and touched their bodies, which shows that in order to satisfy his lust the present applicant has committed the offence and thereby he has outraged modesty of minor girls. After appreciating the evidence available on record the trial Court has rightly convicted the applicant under Sections 342 and 354 of the IPC. I do not find any illegality in conviction of the applicant.

8. As regard the question of sentence is concerned, age of the applicant is 60 years, but the fashion in which he has committed the offence, that too with minor and innocent three girls aged about 10, 7 and 8 years and mentality of the applicant, I do not find any ground for taking lenient view in awarding sentence. Consequently, the revision is liable to be dismissed and is hereby dismissed.