

Govind Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Jul-30-2013

Appellant : Govind

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Hemant Namdeo

Judgement :

Criminal Appeal No.1750/2006 30.07.2013 Shri Hemant Namdeo, learned counsel for the appellant.

Shri Vivek Lakhera, learned Panel Lawyer for the respondent/ State.

Heard finally.

This appeal has been preferred under Section 374(2) of the Code of Criminal Procedure being aggrieved by the judgment dated 25.05.2006 passed by Sessions Judge, Sagar in S.T.No.47/2006, whereby the appellant has been convicted under Section 354 of I.P.C.and sentenced to R.I.for 2 years with fine of Rs.500/-, in default of payment of fine, he has to suffer further R.I.for one month.

The facts, in short are that on 26.11.2005, at about 7 O'Clock in the evening, when prosecutrix went to the field, where her house, to answer the natural call, appellant caught hold of her hand and pressed her breast and tried to undressed her.

On making hue and cry, appellant fled away from the spot.

Prosecutrix (P.W.-1) narrated the story to her mother Heerabai (P.W.-3) and Ramrani (P.W.-4) and thereafter lodged the FIR at P.S.Motinagar, District Sagar.

The case was registered against the appellant under Section 354 of I.P.C.Appellant was arrested and after usual investigation, he was charge sheeted under Section 376(1) of I.P.C.before Judicial Magistrate FiRs.Class, Sagar, who in turn committed the case to the Court of Sessions.

The Sessions Judge framed the charge under Section 376(1) of I.P.C.Appellant abjured the guilt and pleaded false implication.

After recording the evidence, though appellant has been acquitted from the charge under Section 376(1) of I.P.C., however, convicted and sentenced as mentioned hereinabove.

Hence, this appeal.

Learned counsel appearing on behalf of the appellant submits that he does not want to challenge the conviction recorded by the trial Court.

He further submitted that in all appellant has already suffered jail sentence of near about 9 months, in the ends of justice would be met, he be sentenced to the period already undergone by him.

Learned counsel appearing for the respondent/State has supported the conviction and sentence recorded by the trial Court.

I have perused the impugned judgment alongwith the record of the trial Court.

Since the learned counsel for the appellant has not challenged the conviction recorded by the trial Court, same is liable to be affirmed.

Appellant has already suffered jail sentence of near about nine months.

In my opinion, no useful purpose would be served by sending appellant again to the jail after a lapse of eight yeRs.The incident has taken place in the year 2005.

In these circumstances, the ends of justice would be met, if the sentence is reduced to the period already undergone by him. Thus, the appeal is partly allowed.

The conviction recorded under section 354 of IPC against the appellant is hereby affirmed.

However, the sentence recorded against the appellant is hereby reduced to the period already undergone by him (near about 9 months) with fine of Rs.500/-, which is already deposited.

The appellant is on bail.

His bail bonds and surety bonds stand discharged.

Record of the trial Court be sent back along with a copy of this order for compliance and necessary action.

C.C.as per rules.

(G.S.Solanki) JUDGE gn

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