

Ashok Kumar Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : May-14-2013

Appellant : Ashok Kumar

Respondent : The State of Madhya Pradesh

Judgement :

1 Cr. R. No.1628/2005 HIGH COURT OF M. P. JUDICATURE AT JABALPUR
BEFORE : TARUN KUMAR KAUSHAL. J.CRIMINAL REVISION NO.1628 OF
2005.Petitioners :

1. Ashok Kumar S/o Ramlal Pawar, aged about 29 years, Agriculturist, 2. Shishupal Alias Sushil Kumar, S/o Radhe Lal Pawar aged 22 years. Both residents of Gram Tuteri, P. S. Ugali Tehsil Keolari, District Seoni. Versus. . Respondents : State of M. P. Through P. S. Ugali, District Seoni. For the petitioner : Shri Manot Kumar Yadav, Advocate For the respondent : Smt. Pratibha Mishra P. L.

ORDER

(Passed on 14.5.2013) 1. This Criminal Revision is preferred against the judgment dated 21.10.2003 passed by 2nd Additional Sessions Judge, Seoni in Criminal Appeal No.120/2004 convicting the petitioners under Section 354 IPC and sentenced to six month RI. Vide judgment dated 28.9.2004 passed in regular Criminal Case No.196/2003, JFMC Seoni. The petitioners were sentenced them to one year RI and with fine of Rs.400/-. The appellate Court has modified and

reduced the sentence of the petitioner as above.

2. Facts of the case in short are that on 18.9.2002 at about 9.00 a. m. when the prosecutrix P. W./1, aged 22 years and her cousin prosecutrix aged 20 years (P.W./2) had gone towards the field for easing themselves and while they were coming back they were surrounded and apprehended 2 Cr. R. No.1628/2005 by the petitioners. Petitioner No.1 caught P. W./2 while petitioner No.2 caught P. W. /1 and chased them and subjected them indecent assaults. P. W./ 1 and P. W./2 some how managed to escape and came back to their house, narrated the incident to the family member. Next day i. e. on 19.9.2002 at about 10. a. m. P. W./1 lodged FIR at P. S. Ugali, District Seoni. A case at Crime No.62/02 under Section 354 of IPC was registered against the petitioners. P. W./1 was forwarded for her medical examination. After completing the investigation Police submitted a charge sheet against the petitioners.

3. To substantiate the charge under Section 354 of IPC statements of prosecutrix aged about 22 years (P. W.1), prosecutrix aged about 20 years (P.W./2), Santlal Kalar (P. W. 3), Motilal (P.W.4), Dimagchand (P.W./5), Khem Narayan (P.W./6) Dr. Smt. Abha Jain, (P.W.7) and I. L. Uike, Sub Inspector of Police were recorded. The defence of the petitioners in the trial Court is false implications. In support of their defence they have examined Tejlal (D.W.1), Godhanlal (D.W.2) and Sevak Ram (D.W.3) as defence witnesses.

4. After appreciation of the aforesaid evidence, trial Court convicted and sentenced the petitioner as above. In appeal sentence was reduced and modified.

5. Learned counsel for the petitioners submits that this was the first and last offence of the petitioners so far. During the course of investigation, trial and appeal the petitioners have suffered custody of seventeen days in this case and prayed for lenient view be taken in this regard. 3 Cr. R. No.1628/2005 6. After perusing the statements of P. W. /1 and P. W./2, conviction of the petitioners deserves to be and is hereby affirmed. In view of the fact that this incident took place about ten years ago and it was first and last offence of the petitioners so far. In view of the nature of the offence and manner of the incident undergone period of seventeen days seems to be just, proper and sufficient but fitness of things fine amount

deserves to be enhanced.

7. For an offence under Section 354 of IPC petitioners are sentenced to seventeen days undergone period and with fine of Rs.3,000/- each. In default of payment of fine, petitioners shall undergo simple imprisonment of one month. Petitioners are directed to remain present in the Trial Court on or before 6th of August, 2013 for depositing the balance fine amount or to undergo jail sentence, as the case may be.

8. Revision is allowed in part, as indicated above. (Tarun Kumar Kaushal) Judge.
kkc

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