SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Suresh Vs. the State of Madhya Pradesh

Suresh Vs. the State of Madhya Pradesh

SooperKanoon Citation : sooperkanoon.com/1052092

Court : Madhya Pradesh

Decided On : Feb-27-2013

Appellant : Suresh

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Paritosh Trivedi

Judgement :

CRR No.180/2013 Criminal Revision No.180/2013 27.2.2013 Shri Paritosh Trivedi, counsel for the applicant.

Shri S.K.Kashyap, Public Prosecutor for the State/respondent.

As prayed by the learned counsel for the parties, matter is hearing finally.

The applicant was convicted for the offence punishable under section 354 of IPC vide judgment dated 13.8.2012 passed by the learned JMFC, Nainpur, District Mandla (Shri Hemraj Sanodiya) in criminal case No.299/2011 and sentenced for 1 year's rigorous imprisonment with fine of Rs.500/-.

In criminal appeal No.91/2012 vide judgment dated 21.1.2013 passed by the learned Additional Sessions Judge, Mandla, the appeal filed by the applicant was dismissed.

Being aggrieved with the judgments passed by both the Courts below, the applicant has preferred the present revision.

The prosecution's case, in short, is that, on 10.8.2011, at about 9 a.m.in the morning, the prosecutrix was coming back after answering the call of nature, at village Kheri, Police Station Nainpur, District Mandla, the applicant held the hands of the prosecutrix and also pressed her breasts.

On her shouting, various witnesses came to the spot and the applicant ran away.

The CRR No.180/2013 prosecutrix had lodged an FIR on the same day at outpost Pindarai, Police station Nainpur.

She was sent for her medico legal examination and treatment.

After due investigation, a charge-sheet was filed against the applicant.

The applicant abjured his guilt.

He did not take any specific plea in the case but, he has stated that he was falsely implicated in the matter.

However, no defence evidence was adduced.

After considering evidence adduced by the parties, the learned JMFC, Nainpur District Mandla, convicted and sentenced the applicant as mentioned above, whereas, the appeal filed by the applicant was dismissed.

After considering the submissions made by learned counsel for the parties, it appears that the applicant does not challenge the conviction directed against him under section 354 of IPC.

Looking to the evidence adduced by the prosecution, there is no scope for making any interference in the concurrent findings of both the Courts below for conviction under section 354 of IPC.

So far as the sentence is concerned, contention of the learned counsel for the applicant can be accepted that the applicant was a youth of 21 years of age at the

time of the incident and therefore, his case should be considered with CRR No.180/2013 some sympathetic attitude.

He is required to settle in his life and if he is kept in custody then, it will adversely affect his future life.

Looking to this overt act and custody period, which comes to be one month at present, it appears that the jail sentence directed against the applicant can be reduced to the period, which he has already undergone in the custody by enhancement of some fine amount.

On the basis of the aforesaid discussion, the revision petition filed by the applicant is hereby partly allowed.

Conviction directed against the applicant for the offence punishable under section 354 of IPC is hereby maintained but, the sentence is reduced to the period, which he has already undergone in the custody, whereas, fine is enhanced from a sum of Rs.500/- to a sum of Rs.7,000/-.

In default of payment of fine, the applicant shall undergo 6 months rigorous imprisonment,.

If fine is deposited then, a sum of Rs.5,000/- be given to the prosecutrix.

Name and address of the prosecutrix is not required to be mentioned here, but, it is a duty of the trial Court to arrange for providing her the compensation.

The applicant is in jail.

Office is directed to issue a supersession warrant, so that the applicant CRR No.180/2013 may be released from the jail, if he deposits the remaining fine amount.

A copy of the order be sent to the trial Court as well as the appellate Court alongwith their records for information and compliance.

Certified copy as per rules.

(N.K.GUPTA) JUDGE Pushpendra

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com