

Rammilan Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Feb-27-2013

Appellant : Rammilan

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Paritosh Trivedi

Judgement :

CRR No.177/2013 Criminal Revision No.177/2013 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 14.5.2012 passed by the learned Nyayadhikari, Gram Nyayalaya, Dindori (Shri Surendra Meshram) in criminal case No.965/2009 and sentenced for four months' rigorous imprisonment with fine of Rs.500/-.

In criminal appeal No.42/2012 vide judgment dated 24.1.2013 passed by the learned Additional Sessions Judge, Dindori, 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 22.7.2005, at about 10 a.m., the prosecutrix was coming back after taking bath in a river, at village Khargahna, Police Station Samnapur, District Dindori.

When she was passing near the school dharmashala, the applicant held her left hand and threw her on the Earth with an intention to outrage CRR No.177/2013 her modesty and thereafter, he started dragging her.

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

An FIR was lodged at Police Station Samnapur and a charge-sheet was filed before the trial Court.

The applicant abjured his guilt.

He did not take any specific plea in the case.

However, Kailash (D.W.1) and Kandhilal (D.W.2) were examined as defence witnesses.

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

The learned counsel for the applicant submits that the applicant does not want to challenge the conviction directed against him.

However, he remained in the custody for more than a month and he was the fiRs.offender.

He was a youth of 26 years of age at the time of the incident, who has to settle his future and therefore, if he is sent to the jail then, his future will be adversely affected.

Under such circumstances, his jail sentence may be reduced to the period, which he has already undergone in the custody, by enhancing some fine amount.

CRR No.177/2013 After considering the submissions made by learned counsel for the applicant and looking to the fact that the applicant was 26 years old at the time of the incident and his family life is yet to be settled, he remained in the custody for more than a month then, looking to the facts and circumstances of the case, it would be proper that his jail sentence may be reduced to the period, which he has already undergone in the custody, by enhancing 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, 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.5,000/-.

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

If fine is deposited then, a sum of Rs.2,000/- be given to the prosecutrix.

Name and address of the prosecutrix is not required to be mentioned here, according to the direction of Hon'ble the Apex Court but, it is a duty of the Nyayadhikari to arrange for providing compensation to the prosecutrix.

CRR No.177/2013 The applicant is in jail.

Office is directed to issue a supersession warrant, so that the applicant may be released, if he deposits the remaining fine amount.

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

Certified copy as per rules.

(N.K.GUPTA) JUDGE Pushpendra

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