

Dharmendra Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Oct-09-2013

Appellant : Dharmendra

Respondent : The State of Madhya Pradesh

Judgement :

HIGH COURT OF MADHYA PRADESH AT JABALPUR Criminal Revision No.1780/2013 Petitioner : Dharmendra S/o Amar Singh, aged 17 years Through Legal Guardian Amar Singh S/o Khushilal, aged 55 years, R/o Village Bamuliya Doraha, Tahsil Shyampur, District Sehore M.P. Vs. Respondent : The State of Madhya Pradesh Present: Hon. Shri B.D.Rathi
----- For
petitioner : Shri Satyam Agrawal, Advocate For the respondent : Shri Yogesh Dhande, Govt. Advocate

ORDER

(9/10/13) This revision petition has been preferred against the judgment dated 31/8/2013 passed by I Additional Sessions Judge, Sehore in Cr.A. No.134/2011 whereby the judgment dated 13/7/2011 passed by Principal Magistrate, Juvenile Justice Board, Sehore in Criminal Case No.64/2010 convicting the petitioner under Section 376/511 of the IPC and directing him under Section 15(1)(g) of The Juvenile Justice (Care and Protection of Children) Act, 2000 (for short the Act.) to be sent to Special Home for a period of 3 years, was affirmed.

2. Prosecution case, in brief, is that on 2/5/10 when the prosecutrix had gone to the house of the petitioner for giving him food, he attempted to rape her.

3. At the outset, learned counsel for the petitioner submitted that he does not want to challenge the conviction awarded to the petitioner. However, he prayed that the period to remain in Special Home may be minimized.

4. In response, learned Government Advocate while making reference to the incriminating pieces of evidence on record, submitted that the conviction was well merited and the impugned judgment did not warrant interference.

5. Having regard to the arguments advanced by the parties, perused the impugned judgment.

6. As the conviction is not under challenge, adverting to the question of sentence, it is apparent from the record that the incident took place, as early as, in the year 2010 and since then the petitioner has faced the prosecution and suffered the ordeal of trial and appeal for a considerable period of more than three years. Taking into consideration facts and circumstances of the case including the age of the petitioner and the fact that he has no criminal antecedents, interests of justice would be met if the period to remain in Special Home is reduced to 1 year in view of proviso given under Section 15(1)(g) of the Act.

7. In view of the aforesaid, impugned conviction is maintained. However, the period to remain in Special Home is reduced to 1 year 8. In the result, the revision stands allowed in part.

9. Copy of the order be sent to the trial Court for information and compliance. (B. D. RATHI) JUDGE910/13 (and)

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