

Khalique Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Oct-09-2013

Appellant : Khalique

Respondent : The State of Madhya Pradesh

Judgement :

Cr.R.1761/2013 HIGH COURT OF MADHYA PRADESH AT JABALPUR Criminal
Revision No.1761/2013 Petitioner : Khalique Vs. Respondent : The State of
Madhya Pradesh Present: Hon. Shri B.D.Rathi
----- For
petitioner : Shri A.K. Tiwari, Advocate For the respondent : Shri S.K. Kashyap,
Govt. Advocate

ORDER

(9/10/13) This revision petition has been preferred against the judgment dated 26/8/2013 passed by I Additional Sessions Judge, East Nimad, Khandwa, in Cr.A. No.123/13 whereby the judgment dated 17/04/2013 passed by Judicial Magistrate First Class, Khandwa in Criminal Case No.3506/2012 convicting the petitioner under Section 354 of Indian Penal Code, sentencing him to undergo R.I. for six months and to pay a fine of Rs. 500/-, was affirmed.

2. Prosecution case, in brief, is that on 14/11/2012 at 2.30 pm, petitioner not only caught hold of the prosecutrix, but also pressed her chest and insisted to

accompany him to Nagchoon and thereby outraged her modesty while threatening 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 custodial sentence passed against the petitioner may be reduced to the period already undergone. According to him, the petitioner is in jail since 26/08/13.

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. Cr.R.1761/2013

5. Having regard to the arguments advanced by the parties, records of the Courts below were perused.

6. As the conviction is not under challenge, adverting to the question of sentence, it is apparent that petitioner was 20 years of age on the date of incident and had no criminal antecedents and, therefore, interests of justice would be met if the term of custodial sentence is reduced to the period of three months.

7. In view of the aforesaid, impugned conviction and consequent fine sentence are maintained. However, the impugned term of custodial sentence is reduced to a period of three months.

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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