



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 255 of 2023**

- Madhav Malha, S/o Sushil Malha, Aged About 28 Years, R/o Village Khapri, Police Station Pipariya,, District Kawardha (Kabirdham), Chhattisgarh.

---- Appellant

Versus

- State of Chhattisgarh, Through Police Station Pipariya, District Kawardha (Kabirdham), Chhattisgarh.

---- Respondent

For Appellant : Mr. Shubhank Tiwari, Advocate.
For State/Respondent : Mr. Afroj Khan, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****13.04.2023**

1. At the request made by the learned counsel for the appellant and particularly considering the detention period of the appellant, the appeal is heard finally.
2. Vide impugned judgment of conviction and order of sentence dated 17.08.2022 passed by the learned Special Judge (Atrocities Act), Kabirdham (C.G.) in Atro. Special Criminal Case No.660/2020, the appellant has been convicted for the offence punishable under Section 354 of IPC and sentenced to undergo RI for 2 years with fine of Rs.500/- and in default of payment of fine amount, additional RI for 7 days.



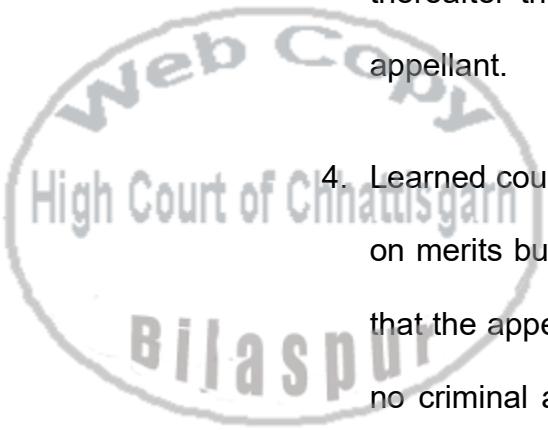
3. The prosecution story in brief is that on 21.06.2020 at about 3 pm at Village Khapri, when the prosecutrix, who belongs to the Scheduled Tribe, was returning after completing work in field/plough and reached near the field of Naresh Chandrawanshi, then the accused came there and tried to outrage the modesty of the prosecutrix by touching her hands and breasts, upon which the prosecutrix shouted and the accused ran away. Thereafter, the prosecutrix informed the incident to her husband and other villagers as well, as a result of which the report was lodged against the accused. After completion of investigation, the charge sheet was filed and thereafter the charges were framed by the Trial Court against the appellant.

4. Learned counsel for the appellant does not want to press the appeal on merits but is only pressing on the sentence part and has argued that the appellant has been in jail for more than 16 months and has no criminal antecedents. Therefore, looking to the entire facts and circumstances of the case, he may kindly be sentenced to the period only undergone already by him.

5. Per contra, learned counsel for the State opposes the prayer made by appellant's counsel.

6. I have heard learned counsel for the parties and perused the case carefully.

7. Considering the facts and circumstances of the case, particularly the fact that out of total jail sentence of 02 years, the Appellant has already undergone about 16 months jail sentence and his behavior has been reported to be good in jail and he has no





criminal antecedents, I am of the view that the ends of justice would be met if while upholding the conviction imposed upon the Appellant, the jail sentence awarded to him is reduced to the period already undergone by him.

8. Consequently, the appeal is partly allowed. The conviction of the Appellant under the aforementioned section is affirmed, however, he is sentenced to the period already undergone by him. The fine sentence is affirmed.

9. It is reported that the Appellant is in jail. He be released forthwith if not required to be detained in any other case.

10. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge

Deepti Jha

