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IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Revision No. 212 of 2014

Reserved on: 30.4.2026

Date of Decision: 5.6.2026.

Puran Chand ...Petitioner

Versus

State of H.P. ...Respondent

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?[1] *Yes.*

For the Petitioner	:	Mr S.C. Sharma, Senior Advocate, with Mr Arvind Negi, Advocate.
For the Respondent/State	:	Mr Ajit Sharma, Deputy Advocate General.

Rakesh Kainthla, Judge

The present revision is directed against the judgment dated 1.5.2014, passed by the learned Additional Sessions Judge-II, Shimla, H.P. (learned Appellate Court) vide which judgment of conviction dated 17.8.2009 and order of sentence dated 20.8.2009, passed by the learned Judicial Magistrate First Class, Court No.2, Shimla, District Shimla, H.P. (learned Trial Court)

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[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

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were upheld. *(The parties shall hereinafter be referred to in the same manner as they were arrayed before the learned trial Court for convenience.*

2. Briefly stated, the facts giving rise to the present revision are that the police presented a challan before the learned Trial Court against the accused for the commission of offences punishable under Section 354 and 323 of the Indian Penal Code (IPC). It was asserted that the informant (name being withheld to protect her identity) was grazing her cattle on 3.7.2006. Accused Puran Chand came to the spot and caught hold of her breasts. He tried to break the drawstring of her salwar and threatened her. He told her to agree to his demand, or he would throw her into the gorge. The informant shouted for help, and Leelawati (PW3) enquired as to what the accused was trying to do. The accused left the informant, and the informant ran towards the Leelawati. The accused followed her, and the informant pelted stones towards the accused. The accused went away from the spot. The informant narrated the incident to her husband, who advised her to report the matter to the police. The informant and her husband went to the Police Post, Mashobra, where an entry (Ex.PW4/A) was made, which was sent to the

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Police Station, where an FIR (Ex.PW4/B) was registered. ASI Hukam Singh (PW7) investigated the matter. He visited the spot and prepared the site plan (Ex.PW7/A). He found the broken pieces of bangles lying on the spot. He picked them up and put them in a cloth parcel. He sealed the parcel with seal 'H'. He obtained the sample seal (Ex.PW7/B) on a separate piece of cloth and seized the parcel vide memo (Ex.PW1/A). Dr Lalita Negi (PW6) examined the victim and found deep tenderness over both breasts. The nature of the injury was simple, which could have been caused by a blunt weapon within 48 hours of the examination. She issued the MLC (Ex.PW6/B). Statements of witnesses were recorded as per their version, and after the completion of the investigation, the challan was prepared and presented before the court.

3. Learned Trial Court found sufficient reasons to summon the accused. When the accused appeared, the learned Trial Court charged him with the commission of offences punishable under Section 354 and 323 of the IPC, to which he pleaded not guilty and claimed to be tried.

4. The prosecution examined seven witnesses to prove its case. Informant (PW1) narrated the incident. Her husband (PW2) accompanied her to the Police Post. Leelawati (PW3) is an eyewitness. SHO Vijay Kumar (PW4) signed the FIR. Constable Ranjeet Singh (PW5) proved the entry in the daily diary. Dr Lalita Negi (PW6) medically examined the informant. ASI Hukam Singh (PW7) investigated the matter.

5. The accused, in his statement recorded under Section 313 of the Code of Criminal Procedure (Cr.PC), denied the prosecution's case in its entirety. He stated that a false case was made against him due to enmity over the land. The informant’s husband is a politically influential person, and he used his influence to falsely implicate him. The accused did not produce any evidence in his defence.

6. The learned Trial Court held that the informant’s statement was duly corroborated by the medical evidence and the statement of Leelawati. The defence version that a false case was made against the accused over the land dispute was not believable; hence, the learned trial Court convicted and sentenced the accused as under:-

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Under Section 354 of the IPC	To suffer simple imprisonment for six months.
Under Section 323 of the IPC	To suffer simple imprisonment for three months.
Both the substantive sentences of imprisonment were ordered to run concurrently.	

7. Being aggrieved by the judgment and order passed by the learned Trial Court, the accused filed an appeal, which was decided by the learned Additional Sessions Judge-II, Shimla, H.P. (learned Appellate Court). The Appellate Court concurred with the findings recorded by the learned Trial Court that the informant's statement was duly corroborated by the medical evidence and by the statement of Leelawati. There was nothing in their cross-examination to show that they were making false statements. Learned Trial Court had rightly convicted and sentenced the accused, and no interference was required with the judgment and order passed by the learned Trial Court. Hence, the appeal was dismissed.

8. Being aggrieved by the judgments and order passed by the learned Courts below, the accused has filed the present

revision, asserting that the learned Courts below failed to properly appreciate the material on record. There were material contradictions in the statements of the witnesses, which made the prosecution's case highly suspect. The Medical Officer asserted that the injury could have been caused by means of a blunt weapon. However, the informant or Leelawati had not deposed about the use of any blunt weapon. Therefore, it was prayed that the present revision be allowed and the judgments and order passed by the learned Courts below be set aside.

9. I have heard Mr S.C. Sharma, learned Senior Advocate, assisted by Mr Arvind Negi, learned counsel for the petitioner and Mr Ajit Sharma, learned Deputy Advocate General, for the respondent/State.

10. Mr S.C. Sharma, learned Senior Advocate for the petitioner/accused, submitted that the learned Courts below erred in appreciating the material on record. The statements of the prosecution witnesses contradicted each other on material aspects. The Medical Officer stated that the injury could have been caused by the use of a blunt weapon, but no witness asserted that any blunt weapon was used for the commission of

any crime. There was a delay in reporting the matter to the police, which made the prosecution's case doubtful. The learned courts below had not granted the benefit of the Probation of Offenders Act. The petitioner, being the first offender, was entitled to reform himself, and the benefit of the Probation of the Offenders Act should have been granted to the petitioner. Hence, he prayed that the present revision be allowed and the judgments and order passed by the learned Courts below be set aside. He relied upon the judgment of the Hon'ble Supreme Court in ***Amit Singla Vs. Union Territory Chandigarh, Criminal Appeal No.228 of 2026, decided on 13.1.2026*** in support of his submission.

11. Mr Ajit Sharma, learned Advocate General for the respondent/State, submitted that the learned Courts below had rightly held that no woman would make a false accusation of molestation. The informant's statement was duly corroborated by the statement of Leelawati and the medical evidence. The defence taken by the accused that he was falsely implicated because of the land dispute was not proved and was rightly discarded by the learned Courts below. Hence, he prayed that the present revision be dismissed.

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12. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

13. It was laid down by the Hon'ble Supreme Court in ***Malkeet Singh Gill v. State of Chhattisgarh*, *(2022) 8 SCC 204: (2022) 3 SCC (Cri) 348: 2022 SCC OnLine SC 786*** that a revisional court is not an appellate court and it can only rectify the patent defect, errors of jurisdiction or the law. It was observed at page 207: -

> "10. Before adverting to the merits of the contentions, at the outset, it is apt to mention that there are concurrent findings of conviction arrived at by two courts after a detailed appreciation of the material and evidence brought on record. The High Court in criminal revision against conviction is not supposed to exercise the jurisdiction like the appellate court, and the scope of interference in revision is extremely narrow. Section 397 of the Criminal Procedure Code (in short "CrPC") vests jurisdiction to satisfy itself or himself as to the correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the regularity of any proceedings of such inferior court. The object of the provision is to set right a patent defect or an error of jurisdiction or law. There has to be a well-founded error that is to be determined on the merits of individual cases. It is also well settled that while considering the same, the Revisional Court does not dwell at length upon the facts and evidence of the case to reverse those findings.

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14. This position was reiterated in ***State of Gujarat v. Dilipsinh Kishorsinh Rao, (2023) 17 SCC 688: 2023 SCC OnLine SC 1294***, wherein it was observed at page 695:

> "14. The power and jurisdiction of the Higher Court under Section 397 CrPC, which vests the court with the power to call for and examine records of an inferior court, is for the purposes of satisfying itself as to the legality and regularities of any proceeding or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law or the perversity which has crept in such proceedings.
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> 15.It would be apposite to refer to the judgment of this Court in ***Amit Kapoor v.Ramesh Chander, (2012) 9 SCC 460: (2012) 4 SCC (Civ) 687: (2013) 1 SCC (Cri) 986***, where the scope of Section 397 has been considered and succinctly explained as under: (SCC p. 475, paras 12-13)
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> > "*12*. Section 397 of the Code vests the court with the power to call for and examine the records of an inferior court for the purposes of satisfying itself as to the legality and regularity of any proceedings or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law. There has to be a well-founded error, and it may not be appropriate for the court to scrutinise the orders, which, upon the face of it, bear a token of careful consideration and appear to be in accordance with law. If one looks into the various judgments of this Court, it emerges that the revisional jurisdiction can be invoked where the decisions under challenge are grossly erroneous, there is no compliance with the provisions of law, the finding recorded is based on no evidence, material evidence is ignored, or judicial discretion is exercised arbitrarily or perversely. These are not exhaustive classes, but are

> merely indicative. Each case would have to be determined on its own merits.
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> *13.* Another well-accepted norm is that the revisional jurisdiction of the higher court is a very limited one and cannot be exercised in a routine manner. One of the inbuilt restrictions is that it should not be against an interim or interlocutory order. The Court has to keep in mind that the exercise of revisional jurisdiction itself should not lead to injustice ex facie. Where the Court is dealing with the question as to whether the charge has been framed properly and in accordance with law in a given case, it may be reluctant to interfere in the exercise of its revisional jurisdiction unless the case substantially falls within the categories aforestated. Even the framing of the charge is a much-advanced stage in the proceedings under CrPC."

15. It was held in ***Kishan Rao v. Shankargouda*, (2018) 8 SCC 165: *(2018) 3 SCC (Cri) 544: (2018) 4 SCC (Civ) 37: 2018 SCC OnLine SC 651*** that it is impermissible for the High Court to reappreciate the evidence and come to its conclusions in the absence of any perversity. It was observed at page 169:

> "12. This Court has time and again examined the scope of Sections 397/401 CrPC and the grounds for exercising the revisional jurisdiction by the High Court. In ***State of Kerala v. Puttumana Illath Jathavedan Namboodiri*, *(1999) 2 SCC 452: 1999 SCC (Cri) 275***, while considering the scope of the revisional jurisdiction of the High Court, this Court has laid down the following: (SCC pp. 454-55, para 5)
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> > *5.* ... In its revisional jurisdiction, the High Court can call for and examine the record of any proceedings to satisfy itself as to the correctness, legality or propriety of any finding, sentence or order. In other

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> words, the jurisdiction is one of supervisory jurisdiction exercised by the High Court for correcting a miscarriage of justice. But the said revisional power cannot be equated with the power of an appellate court, nor can it be treated even as a second appellate jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to reappreciate the evidence and come to its conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise amount to a gross miscarriage of justice. On scrutinising the impugned judgment of the High Court from the aforesaid standpoint, we have no hesitation in concluding that the High Court exceeded its jurisdiction in interfering with the conviction of the respondent by reappreciating the oral evidence. ..."

13. Another judgment which has also been referred to and relied on by the High Court is the judgment of this Court in ***Sanjaysinh Ramrao Chavan v. Dattatray Gulabrao Phalke, (2015) 3 SCC 123: (2015) 2 SCC (Cri) 19]***. This Court held that the High Court, in the exercise of revisional jurisdiction, shall not interfere with the order of the Magistrate unless it is perverse or wholly unreasonable or there is non-consideration of any relevant material, the order cannot be set aside merely on the ground that another view is possible. The following has been laid down in para 14: (SCC p. 135)

> "*14*. ... Unless the order passed by the Magistrate is perverse or the view taken by the court is wholly unreasonable or there is non-consideration of any relevant material or there is palpable misreading of records, the Revisional Court is not justified in setting aside the order, merely because another view is possible. The Revisional Court is not meant to act as an appellate court. The whole purpose of the revisional

> jurisdiction is to preserve the power in the court to do justice in accordance with the principles of criminal jurisprudence. The revisional power of the court under Sections 397 to 401 CrPC is not to be equated with that of an appeal. Unless the finding of the court, whose decision is sought to be revised, is shown to be perverse or untenable in law or is grossly erroneous or glaringly unreasonable or where the decision is based on no material or where the material facts are wholly ignored or where the judicial discretion is exercised arbitrarily or capriciously, the courts may not interfere with the decision in exercise of their revisional jurisdiction."

16. This position was reiterated in ***Bir Singh v. Mukesh Kumar*, *(2019) 4 SCC 197: (2019) 2 SCC (Cri) 40: (2019) 2 SCC (Civ) 309: 2019 SCC OnLine SC 13***, wherein it was observed at page 205:

> "16. It is well settled that in the exercise of revisional jurisdiction under Section 482 of the Criminal Procedure Code, the High Court does not, in the absence of perversity, upset concurrent factual findings. It is not for the Revisional Court to re-analyse and re-interpret the evidence on record.
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> 17. As held by this Court in ***Southern Sales & Services v. Sauermilch Design and Handels GmbH, (2008) 14 SCC 457***, it is a well-established principle of law that the Revisional Court will not interfere even if a wrong order is passed by a court having jurisdiction, in the absence of a jurisdictional error. The answer to the first question is, therefore, in the negative."

17. This position was reiterated in ***Sanjabij Tari v. Kishore S. Borcar, 2025 SCC OnLine SC 2069***, wherein it was observed:

> "27. It is well settled that in exercise of revisional jurisdiction, the High Court does not, in the absence of

> perversity, upset concurrent factual findings [See: *Bir Singh*(supra)]. This Court is of the view that it is not for the Revisional Court to re-analyse and re-interpret the evidence on record. As held by this Court in ***Southern Sales & Services v. Sauermilch Design and Handels GMBH, (2008) 14 SCC 457***, it is a well-established principle of law that the Revisional Court will not interfere, even if a wrong order is passed by a Court having jurisdiction, in the absence of a jurisdictional error.
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> 28. Consequently, this Court is of the view that in the absence of perversity, it was not open to the High Court in the present case, in revisional jurisdiction, to upset the concurrent findings of the Trial Court and the Sessions Court.

18. The present revision has to be decided as per the parameters laid down by the Hon'ble Supreme Court.

19. The informant (PW1) stated that she and Leelawati had gone to graze the cattle on 3.7.2006. The accused caught her breasts, pushed her and tried to break her drawstring at about 12.00 p.m. He threatened to push her into the gorge if she would not accede to his demand. She shouted for help and pelted stones at the accused. Leelawati also came to the spot and enquired from the accused as to what he was doing. The accused ran away from the spot. She remained with Leelawati and returned with her in the evening. She narrated the incident to her husband in the evening and went to the police station the next day. The police seized the broken pieces of bangles from the

spot. She identified the pieces of bangles in the Court. She stated in her cross-examination that she had no dispute with the accused over the land. The accused belongs to her village but is not related to her. She admitted that her grassland had caught fire, and the accused had helped in extinguishing the fire. She had reported the matter the next day. The house of the accused was at some distance from her house. She denied that she was making a false statement because of the land dispute.

20. Leelawati (PW3) stated that she and the informant had gone to the jungle to graze the cattle. She was at some distance. The accused caught hold of the informant. She called the informant and the accused ran away from the spot. The informant remained with her till 4.00 p.m. The police seized the broken pieces of bangles. She stated in her cross-examination that the accused was the informant's nephew. She denied that the accused would not have molested his aunt. The informant was her sister by village relations. She denied that she had made the statement at the instance of the informant.

21. The statements of these witnesses are duly corroborated by the statement of Medical Officer Dr Lalita Negi

(PW6), who stated that she had examined the informant on 4.7.2006 and found deep tenderness over both breasts. The injuries could have been caused by means of a blunt weapon within 48 hours of examination. She Issued the MLC (Ex.PW6/A). She admitted in her cross-examination that the injury noticed by her could have been caused by means of a fall on a hard surface.

22. It was submitted that there are contradictions in the statements of the informant and Leelawati. The informant stated that Leelawati was accompanying her, whereas Leelawati stated that she was at some distance. This submission will not help the petitioner. Leelawati stated that she had accompanied the informant, but she was at some distance at the time of the incident. Therefore, the statements of the informant Leelawati corroborate each other that they had visited the spot together. The informant had also stated in her initial version (Ex.PW1/A) that Leelawati was at some distance. She never said in the Court that Leelawati was present at the time of the incident. Therefore, the contradiction pointed out on behalf of the accused is more apparent than real.

23. The incident had occurred in July, 2006, and the witnesses made the statements in January, 2007. Thus, considerable time had lapsed since the incident. Minor contradictions were bound to come with time due to the failure of memory, and cannot be used to discard the prosecution's version. Hon'ble Supreme Court held in ***Rajan v. State of Haryana, 2025 SCC OnLine SC 1952,*** that the discrepancies in the statements of the witnesses are not sufficient to discard the prosecution case unless they shake the core of the testimonies. It was observed: -

> "**32.** The appreciation of ocular evidence is a hard task. There is no fixed or straitjacket formula for the appreciation of the ocular evidence. The judicially evolved principles for the appreciation of ocular evidence in a criminal case can be enumerated as follows:
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> > *"I. While appreciating the evidence of a witness, the approach must be whether the evidence of the witness, read as a whole, appears to have a ring of truth. Once that impression is formed, it is undoubtedly necessary for the Court to scrutinise the evidence more particularly, keeping in view the deficiencies, drawbacks and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is against the general tenor of the evidence given by the witness and whether the earlier evaluation of the evidence is shaken as to render it unworthy of belief.*
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> > *II. If the Court before whom the witness gives evidence had the opportunity to form the opinion about the general tenor of evidence given by the witness, the*

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appellate court which had not this benefit will have to attach due weight to the appreciation of evidence by the trial court and unless there are reasons weighty and formidable it would not be proper to reject the evidence on the ground of minor variations or infirmities in the matter of trivial details.

III. When an eye-witness is examined at length, it is quite possible for him to make some discrepancies. But courts should bear in mind that it is only when discrepancies in the evidence of a witness are so incompatible with the credibility of his version that the court is justified in jettisoning his evidence.

IV. Minor discrepancies on trivial matters not touching the core of the case, a hyper-technical approach by taking sentences torn out of context here or there from the evidence, attaching importance to some technical error committed by the investigating officer, not going to the root of the matter, would not ordinarily permit rejection of the evidence as a whole.

V. Too serious a view to be adopted on mere variations falling in the narration of an incident (either as between the evidence of two witnesses or as between two statements of the same witness) is an unrealistic approach for judicial scrutiny.

VI. By and large, a witness cannot be expected to possess a photographic memory and to recall the details of an incident. It is not as if a videotape is replayed on the mental screen.

VII. Ordinarily, it so happens that a witness is overtaken by events. The witness could not have anticipated the occurrence, which so often has an element of surprise. The mental faculties, therefore, cannot be expected to be attuned to absorb the details.

VIII. The powers of observation differ from person to person. What one may notice, another may not. An object or movement might emboss its image on one

person's mind, whereas it might go unnoticed on the part of another.

IX. By and large, people cannot accurately recall a conversation and reproduce the very words used by them or heard by them. They can only recall the main purport of the conversation. It is unrealistic to expect a witness to be a human tape recorder.

X. In regard to the exact time of an incident, or the time duration of an occurrence, usually, people make their estimates by guesswork on the spur of the moment at the time of interrogation. And one cannot expect people to make very precise or reliable estimates in such matters. Again, it depends on the time sense of individuals, which varies from person to person.

XI. Ordinarily, a witness cannot be expected to recall accurately the sequence of events that take place in rapid succession or in a short time span. A witness is liable to get confused or mixed up when interrogated later on.

XII. A witness, though wholly truthful, is liable to be overawed by the court atmosphere and the piercing cross-examination by counsel and, out of nervousness, mix up facts, get confused regarding the sequence of events, or fill in details from imagination on the spur of the moment. The subconscious mind of the witness sometimes operates on account of the fear of looking foolish or being disbelieved, though the witness is giving a truthful and honest account of the occurrence witnessed by him.

XIII. A former statement, though seemingly inconsistent with the evidence, need not necessarily be sufficient to amount to a contradiction. Unless the former statement has the potency to discredit the latter statement, even if the latter statement is at variance with the former to some extent, it would not be helpful to contradict that witness." [See ***Bharwada Bhoginbhai Hirjibhai v. State of Gujarat (1983) 3 SCC 217: 1983 Cri LJ 1096: (AIR 1983 SC 753) Leela Ram v.***

State of Haryana (1999) 9 SCC 525: AIR 1999 SC 3717 and ***Tahsildar Singh v. State of UP (AIR 1959 SC 1012)"***

24. In the present case, the discrepancies do not shake the prosecution's version and cannot be used to discard the prosecution's case.

25. It was submitted that the statement of Dr Lalita Negi (PW6) does not support the prosecution's case because she stated that the injury could have been caused by means of a blunt weapon, and no witness deposed about the use of the blunt weapon. This submission will not help the accused. The hands are a blunt weapon, and as per the informant, the accused had caught hold of her breasts and pushed her. The medical officer had also noticed the injuries on the breasts, which corroborates the informant's version that the accused had caught hold of her breasts.

26. The incident had occurred on 3rd July, and the matter was reported to the police on 4th July. It was submitted that there is a delay in reporting the matter to the police, which would make the prosecution's case doubtful. This submission will not help the accused because the informant has properly explained the delay. She stated that she remained with Leelawati because

of fear. Her husband was not at home, and she narrated the incident to him on his return. This explanation is satisfactory. The victim was alone and would not have visited the Police Station alone. Hence, the delay cannot be used to discard the prosecution's case. Even otherwise, the delay in the sexual offences is not material because such matters are not reported to the police immediately after the incident, and consultations have to be made regarding the ramifications of reporting such offences before they are reported to the police. It was laid down by the Hon'ble Supreme Court in ***State of H.P. v. Prem Singh*, *(2009) 1 SCC 420: (2009) 1 SCC (Cri) 351: 2008 SCC OnLine SC 1680*** that the prosecution's case of sexual assault cannot be thrown out because of the delay. It was observed at page 421:

> "**6.** So far as the delay in lodging the FIR is concerned, the delay in a case of sexual assault cannot be equated with the case involving other offences. There are several factors that weigh on the mind of the prosecutrix and her family members before coming to the police station to lodge a complaint. In a tradition-bound society prevalent in India, more particularly rural areas, it would be quite unsafe to throw out the prosecution case merely on the ground that there is some delay in lodging the FIR. In that score, learned counsel for the appellant is right that the High Court has lost sight of this vital distinction.

27. Hence, the prosecution's case cannot be discarded because of the delay.

28. It was suggested to the informant that there was a land dispute. The informant denied this fact. A denied suggestion does not amount to any proof and could not have been used to discard the prosecution's version. The accused did not produce any evidence regarding the land dispute. Therefore, the learned Courts below had rightly rejected the defence version that a false case was made against the accused because of the land dispute.

29. Therefore, the learned Courts below had rightly held that the prosecution had succeeded in proving its case beyond a reasonable doubt for the commission of offences punishable under Sections 354 and 323 of the IPC, and there is no infirmity in the conviction of the accused.

30. It was submitted that the benefit of the Probation of Offenders Act should have been granted to the accused. Reliance was placed upon the judgment of the Supreme Court, ***Amit Singla*** (supra). This submission is not acceptable. In the present case, the informant was alone in the jungle, and the accused took advantage of this fact. The offences against women are increasing, and granting the benefit of probation under the

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Probation of Offenders Act would encourage the like-minded people to indulge in the commission of similar offences. Therefore, the nature of the offence was such as would disentitle the petitioner from the benefit of the Probation of Offenders Act. It was laid down by the Hon'ble Supreme Court in ***State of Rajasthan v. Sri Chand*, *(2015) 11 SCC 229 : (2015) 4 SCC (Cri) 373: 2015 SCC OnLine SC 439*** that the benefit of the Probation cannot be granted to the accused when he was prevented from fulfilling his design by the arrival of some person. It was observed at page 233:

> "**12.** In the present case, the accused is not a minor, rather he has committed an offence against a minor girl who is helpless. Further, it is clear from the evidence on record that he ran away only when the prosecutrix screamed, and PW 3 came to the place of the incident, which goes on to show that the accused could have had worse intentions. The offence is heinous in nature, and there is no reason for granting the benefit of probation in this case. The trial court has not given any special consideration to the character of the accused apart from the fact that this was the first conviction of the accused. We find this is far from sufficient to grant probation in an offence like outraging the modesty of a woman."

31. Similarly, it was held in ***Ajahar Ali v. State of W.B.*, *(2013) 10 SCC 31: (2013) 3 SCC (Cri) 794: 2013 SCC OnLine SC 911*** that the benefit of Probation cannot be granted to an accused

convicted of outraging the modesty of a woman. It was observed at page 35:

> "**12.** In the instant case, as the appellant has committed a heinous crime and with the social condition prevailing in the society, the modesty of a woman has to be strongly guarded, and as the appellant behaved like a roadside Romeo, we do not think it is a fit case where the benefit of the 1958 Act should be given to the appellant.
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> **14.** The provisions of Section 354 IPC have been enacted to safeguard public morality and decent behaviour. Therefore, if any person uses criminal force upon any woman with the intention or knowledge that the woman's modesty will be outraged, he is to be punished.
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> **19.** In ***State of U.P. v. Shri Kishan [(2005) 10 SCC 420: 2005 SCC (Cri) 1568],*** this Court has emphasised that a just and proper sentence should be imposed. The Court held: (SCC p. 423, paras 8 & 9)
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> > "*8.* ... Any liberal attitude by imposing meagre sentences or *taking too sympathetic a view merely on account of lapse of time in respect of such offences will be resultwise counterproductive* in the long run and against societal interest, which needs to be cared for and strengthened by a string of deterrence inbuilt in the sentencing system.
> >
> > *9.* The Court will be failing in its duty if appropriate punishment is not awarded for a crime which has been committed not only against the individual victim but also against the society to which the criminal and victim belong. The punishment to be awarded for a crime must not be irrelevant, but it should conform to and be consistent with the atrocity and brutality with which the crime has been perpetrated, the enormity of the crime warranting public abhorrence, and it should

> ‘respond to the society's cry for justice against the criminal’.” (emphasis added)”

32. In ***Amit Singla*** (supra), the accused was held guilty of the commission of an offence punishable under Section 456 of the IPC, which is not as grave as the offence punishable under Section 354 of the IPC. Hence, the cited judgment does not apply to the present case.

33. Learned Trial Court sentenced the accused to undergo simple imprisonment for six months for the commission of an offence punishable under Section 354 of IPC and simple imprisonment for three months for the commission of an offence punishable under Section 323 of IPC. Considering the fact that the informant and the accused belong to the same village and the accused had taken advantage of the loneliness of the informant, the sentence of six months cannot be said to be excessive, requiring an interference from this Court.

34. No other point was urged.

35. In view of the above, the present revision petition fails and is dismissed.

36. The records of the learned Courts below be returned with a copy of this judgment for information.

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37. The present revision petition stands disposed of along with pending miscellaneous application(s), if any.

(Rakesh Kainthla)
Judge

5th June, 2026
(Chander)