



2026:CGHC:9730



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 481 of 2020

Smt. Leelavati @ Bharti W/o Santosh Singh Thakur Aged About 32 Years R/o Village Kalibadi, Bandhwapara, Sarkanda, District Bilaspur Chhattisgarh.

--- Appellant.

versus

State Of Chhattisgarh Through The Station House Officer, Police Station Bilha, District Bilaspur Chhattisgarh.

---- Respondent

For Appellant : Mr. VR Tiwari, Sr. Advocate with Mr. Atul Kesharwani, Advocate

For State : Mr. Rajkumar Sahu, PL.

Hon'ble Shri Justice Arvind Kumar Verma

Judgment on Board

24.02.2026

1. This appeal has been preferred against the judgment dated 07.03.2020 passed by learned Session Judge (FTC), Bilaspur, Chhattisgarh in Session Case No.36/2019, whereby appellant stands convicted and sentenced as under: -



<u>Conviction</u>	<u>Sentence</u>
U/s 323/34 of the Indian Penal Code (in short 'the IPC')	R.I. for 06 months and fine of Rs.500/-, in default of payment of fine, additional R.I. for 1 month.

2. Case of prosecution, in brief, is that in the year 2013, the prosecutrix came to Bilaspur (Sarkanda) to pursue her studies and used to reside at the house of her elder mother (Aunt) Rajeshwari. During her studies, accused/Santosh Singh Thakur allegedly made obscene advances towards the prosecutrix; through mobile phone he also recorded the videos of her while she was bathing and blackmailing her with those videos, subjected her to sexual exploitation. On one occasion, accused/Santosh came home in the afternoon for lunch and finding her alone forcibly committed rape with her and threatened that if she disclosed the incident to anyone, he would kill her and circulate the videos. The prosecutrix informed her elder mother about the molestation, but she was advised not to disclose the matter to relatives or her parents on the ground that it would create a dispute between the sisters. On one occasion, prosecutrix was sleeping in her room at that time, accused -Santosh came there and lay on top of her, which was seen by her cousin sister Neelu (daughter of her elder mother), who intimated the incident to the appellant and the appellant after knowing the said fact assaulted



the prosecutrix. In the year 2016, the prosecutrix returned to her house at Village Mohtara, P.S.-Bilha, District-Bilaspur. On 06.09.2018 at about 10.30 AM, the co-accused Santosh Singh Thakur and present appellant went to the house of prosecutrix and starting abusing here and, thereafter, assaulted her, taken away the jewellery as well as Rs. 500/- from the Almirah and also torn her nighty and taken her photograph and threatened to upload the said photo in facebook. Based on report lodged by prosecutrix, FIR was registered against the appellant for the aforesaid offence/crime.

3. Learned counsel for the appellant submits that he is not pressing this appeal on merits and is confining his arguments to the quantum of sentence only. He further submits that appellant is sister of prosecutrix/complainant, there was previous dispute between them, injury caused to the victim/prosecutrix is simple in nature, appellant is not having any previous criminal antecedent, therefore, it is prayed that sentence of rigorous imprisonment for six months imposed upon the appellant by the trial Court be converted into a sentence of fine only.
4. On the other hand, learned State Counsel opposing the prayer of learned counsel for appellants, would submit that the trial Court has rightly convicted and sentenced the appellant, therefore, the impugned judgment does not call for any interference.



5. I have heard learned counsel for the parties and perused the record of the trial Court including the impugned judgment.
6. Though learned counsel for the appellant has not challenged the conviction of appellant and restricted his prayer only to the conversion of the sentence into a fine, but still this Court deems it appropriate to examine the impugned judgment of the Court below. This Court has meticulously perused impugned judgment and evidence on record.
7. Perusal of impugned judgment reveals that the trial Court after elaborately considering evidence of each individual material witness, has observed that prosecution has proved its case beyond reasonable doubt against appellant herein and that being the position, this Court is of the opinion that the trial Court has not committed any mistake in arriving at a conclusion that appellant is guilty for the aforementioned offence/crime.
8. As regard the conversion of the sentence into a fine, considering facts of the case, period of sentence imposed by trial Court upon the appellant, particularly that appellant is sister of prosecutrix/complainant, there was previous dispute between them, injury caused to the victim/prosecutrix is simple in nature, further the fact that appellant does not have any previous antecedent, incident is of the year from 2013 to 2018, i.e. ,more than 07 years have elapsed, this Court is of the opinion that no useful purpose would be served in sending the appellant to jail at



this point of time for undergoing the period of sentence and ends of justice would be met if the sentence awarded to the appellant be set-aside by enhancing fine amount.

9. In the result, the appeal is allowed in part. Conviction of appellant under Section 323/34 of IPC is hereby affirmed, sentence imposed upon appellant under aforesaid Section is set-aside, however, fine amount imposed on appellant is enhanced from Rs.500/- to Rs.1,000/-, in default of payment of fine appellant shall undergo Simple Imprisonment for one month.
10. The record of the trial Court along with copy of this judgment be sent back immediately to the trial Court concerned for compliance and necessary action.

Sd/-

(Arvind Kumar Verma)

Judge

J/-