

CASE NO.:
Appeal (crl.) 180 of 2005

PETITIONER:
State of Madhya Pradesh

RESPONDENT:
Rameshwar

DATE OF JUDGMENT: 25/01/2005

BENCH:
N Santosh Hegde & S B Sinha

JUDGMENT:
J U D G M E N T
(Arising out of SLP (Crl.) No.1691/2004)

SANTOSH HEGDE, J.

Heard learned counsel for the parties.

Leave granted.

This is yet another case of gross indiscretion on the part of the High Court in reducing the sentence imposed by the trial court in a heinous crime.

The respondent herein was convicted by the Special and Second Additional Judge, Chhindwara, Madhya Pradesh, for an offence punishable under section 366 IPC and was sentenced to undergo RI for a period of 4 years and to pay a fine of Rs.500/-; in default of payment of fine to undergo further period of 3 months' RI. The respondent challenged the said conviction and sentence before the High Court of Madhya Pradesh at Jabalpur and the High Court by the impugned order while confirming the finding of conviction recorded by the Sessions Court for an offence punishable under section 366 IPC, reduced the sentence of imprisonment to a period already undergone while maintaining the sentence of fine.

The reason recorded by the High Court for reducing the sentence is that the respondent has already suffered the sentence of imprisonment for a period of 1 month and 3 days, and that he at the time of commission of offence was an uneducated labourer from rural area and was aged 21 years. While doing so, the High Court did not take into consideration that under the Act the offence is punishable up to 10 years' RI and the Sessions Court while considering the quantum of punishment had noted that the at the time of kidnapping, the victim was approximately 16 years of age and that she was seduced and kidnapped by the respondent by promising her to marry and in those circumstances after recording reasons that the offence in question was a serious one in that the appellant had sexually exploited a young girl of 16 years and thereafter deserted her, hence awarded the sentence of 4 years' RI which itself in our opinion was inadequate.

Even then the High Court without considering the gravamen of the offence and the ignominy to which the victim has been put to with misplaced generosity/sympathy which has an everlasting adverse effect on her future, has unreasonably reduced the sentence to a period already undergone which is one month and 3 days. In our opinion this is a ridiculously low

sentence, totally disproportionate to the crime committed by the respondent.

We notice that the conviction recorded by the Sessions Court is not challenged by the appellant before the High Court nor is it challenged before this Court. Therefore, the question of our going into the validity of the conviction does not arise.

For the reasons stated above, we allow this appeal, set aside the order of the High Court reducing the sentence, and restore the sentence awarded by the Sessions Court. We direct the respondent to surrender and serve out the sentence awarded by the Sessions Court.

JUDIS