

1  
CRA-13936-2023  
**IN THE HIGH COURT OF MADHYA PRADESH**  
**AT JABALPUR**  
**CRA No. 13936 of 2023**

*(HARVANSH Vs THE STATE OF MADHYA PRADESH)*

**Dated : 15-07-2024**

*Shri Quazi Parvez, counsel for the appellant.*

*Shri A.R.Ben, Dy. G.A. for respondent/State.*

---

Trial court record has been received.

Heard on admission.

Trial court record perused.

Prima facie, this appeal seems to be arguable. Hence, **admitted for final hearing.**

On perusal of the F.I.R and prosecutrix's evidence recorded before the trial court, it reveals that incident took place on 29.08.2020 at around 8.00 P.M under the territorial jurisdiction of P.S. Mehendwani, Tehsil Shahpura District Dindori. F.I.R was registered for commission of offence under section 376 and 506(II) of the IPC. Charge sheet was filed. Sessions Judge, Dindori after recording of the evidence of the parties and hearing them, by findings recorded in its judgment, convicted the appellant for commission of offence under section 376(1) of the IPC and sentenced the appellant to 07 years R.I. and fine of Rs.1,000/- with default stipulation vide judgment dated 02.09.2023 passed in S.T.No.56/2021.

As per section 4-A of Act No.22 of 2018 amendment which came into effect from 21.04.2018, the words "*shall not be less than 10 years but which may extend to imprisonment for life and shall also be liable to fine*", were inserted in section 376(1) of the IPC in place of "07 years

*R.I.*" After the said amendment on 21.04.2018, the minimum sentence for an offence under section 376(1) of IPC is not less than 10 years R.I. which may extend to imprisonment for life and fine.

The awarding of 07 years sentence for an offence under section 376(1) IPC which took place on 29.08.2020 by learned Sessions Judge, Dindori is prima facie against the prescribed minimum statutory sentence. Therefore, Registry is directed to call for an explanation of concerned Sessions Judge, Dindori as to why she awarded lesser sentence than the minimum prescribed statutory sentence.

List after three weeks after receipt of explanation.

**(DINESH KUMAR PALIWAL)**  
**JUDGE**

MKL

