

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 599 of 2007

1. Ramvriksha @ Vriksha Pando S/o Surajlal, aged about 22 years, Occupation Agriculture, R/o Village Katrapara, Navgai, Police Station Chandni, District Surguja (C.G.)

---- Appellant

Versus

1. State of Chhattisgarh, Through : The Police Station Chandni, District Surguja (C.G.)

---- Respondent

For Appellant – Mr. Vimal Tondey, Advocate.
For Respondent – Ms. M.Asha, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Judgment on Board

09/02/2016

1. Heard.
2. With the consent of both the parties, the matter heard finally.
3. It is submitted on behalf of the appellant that judgment of conviction and sentence passed by the First Additional Sessions Judge, Surajpur, C.G. in Sessions Trial No.311/2006 vide judgment dated 18-05-2007 require interference as the statement of the prosecutrix (PW-6)(name not mentioned) does not inspire confidence, also the same finds no support from the medical evidence and other statement of the witnesses. There are omissions and contradictions with the statements of material witnesses. Hence, as the prosecution failed to prove conviction under Section 376(1) of the IPC beyond all probable doubt, the appeal may be allowed and the judgment of conviction and order of sentence passed by the trial Court be set aside.
4. On the other hand, learned counsel for the State opposes the argument advanced in this behalf and submits that on the basis of entire evidence adduced by the prosecution during the trial, the Court below convicted and sentenced the appellant which is well founded. Hence, there is no requirement for the interference.

5. For the purpose of appreciation regarding arguments advanced by both the parties, evidence adduced by the prosecution before the trial Court are perused.

6. From the perusal of the statement of the prosecutrix (PW-6) and other witnesses, this Court is of the view that the prosecutrix has very well stated the offence committed by the appellant. There was a promptly lodged FIR and other investigation conducted by the prosecution. During her evidence before the trial Court the prosecutrix (PW-6) duly identified the appellant as person who committed rape with her. She remained very firm regarding the facts she narrated in her examination-in-chief. Considering the facts that in a case of rape, corroboration by the medical evidence is not essential and the appellant failed to demonstrate as to why the statement of the prosecutrix (PW-6) is to be disbelieved, this Court is of the view that since there is no reason for false implication and also there are other facts whereby the appellant was duly identified during the examination of the prosecutrix, the judgment of conviction passed against the appellant is proper, there is no reason to take a different view in the matter. Also for the sentence part, as the appellant was sentenced to undergo rigorous imprisonment for 7 years only along with fine of Rs.500/-, in the considered view of this Court, considering the offence proved against the appellant, it may not be held as on excessive side.

7. Consequently, the judgment of conviction and order of sentence passed by the Court below require no interference. Therefore, the appeal filed by the appellant has no substance and as such, the same is liable to be dismissed. Accordingly, the appeal is dismissed as not maintainable.

8. The appeal dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE