

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Appeal No. 117 of 2007**

Ramavatar Cherva S/o Murmuchh Cherva, age 24 years, R/o village Dhanji
(Gariha) P.S. Chando, District Sarguja (CG)

---- Appellant**Versus**

State of Chhattisgarh through P.S. Chando, District Sarguja (CG)

---- Respondent

For Appellant	:	Shri Alok Bakshi, Advocate
For Respondent/State	:	Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Judgment On Board****07.10.2017**

The appellant in the instant case stands convicted for the offence under Sections 343 & 376 of IPC and sentenced to undergo RI for three months u/s 343 and RI for seven years u/s 376 (1) of IPC vide judgment dated 25.07.2006 passed by the 2nd Additional Sessions Judge, (FTC), Ramanujganj, District Sarguja in S. T. No. 199/2005.

2. As per the prosecution case, the appellant is said to have on 26.03.2009 forcibly took the prosecutrix to a jungle and confined her for a period of two days. During the intervening period, the appellant is alleged to have ravished the prosecutrix. The prosecutrix somehow escaped from the clutches of the appellant and came back to her house and thereafter reported the matter to the Police.

3. After conclusion of trial, the Court below vide impugned judgment dated 25.07.2006 found the appellant guilty for having committed the offence

under Sections 343 & 376 of IPC and sentenced him to undergo RI for three months and RI for seven years respectively leading to the filing of the present appeal.

4. Contention of the counsel for the appellant is that the entire case of the prosecution is based upon the deposition of the prosecutrix which is highly improbable. According to him, apart from the statement of the prosecutrix, there is no other material available to establish the charges leveled against the appellant. He submits that all the witnesses who have been examined other than the prosecutrix have not supported the case of the prosecution including the parents of the prosecutrix. Even the medical report does not support the prosecution case. Therefore, the finding of the Court below does not seem to be proper, legal and justified and the same deserves to be set aside.

5. State counsel, however, opposing the appeal submits that it is a case where the evidence of the prosecutrix by itself is sufficient to establish the offence against the appellant. He submits that undisputedly at the time of incident, the prosecutrix was a minor girl around 14 years and the age of the prosecutrix has been established from the school entry register. Therefore, the prosecutrix being a minor there is no reason to disbelieve her statement or doubt the case of the prosecution. He further submits that there is no substantive evidence led by the appellant in defence to establish that there was any particular rivalry or enmity between the appellant and the prosecutrix. Thus, prayed for rejection of the appeal.

6. Having considered the rival contentions put forth on either side and on perusal of the record undisputedly the prosecutrix at the time of accident was aged around 14 years. The age of the prosecutrix is established from the school entry register and that there is no sufficient material extracted by the defence to disprove or doubt the age of the prosecutrix or even doubt the

deposition of the prosecutrix, a minor. What is also relevant is the fact that there is this statement of the prosecutrix, a minor girl aged around 14 years, who has specifically deposed against the appellant of having ravished and sexually exploited her for a period of about two days from 26.03.2005 onwards. No sufficient ground has been made out by the appellant to disprove this contention which has been stated by the prosecutrix.

7. In view of the fact that there is no sufficient ground made out strong enough for taking a different view than what has been taken by the Court below, this Court is of the opinion that the Court below has not committed any infirmity or illegality while passing the impugned judgment holding the appellant guilty for the offence under Sections 343 & 376 of IPC.

8. The appeal thus fails and is accordingly dismissed.

9. Needless to mention that a report has been received from the Jail Authority that the appellant having completed the jail sentence has been released from jail on 15.10.2010. Hence, no further step is required to be taken.

Sd/-
(P. Sam Koshy)
JUDGE