

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 127 of 2007

Majji Chaitu, S/o Majji Irpa, aged about 31 years, suspended constable-241, P.S. Bendra, P.S. Distt. Bijapur, Chhattisgarh

---- Appellant

versus

State of Chhattisgarh through Police Station Kanker, District Kanker, Chhattisgarh

--- Respondent

For Appellant	:	None
For State/Respondent	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

4.11.2017

1. The Appellant has been convicted under Section 409 of the Indian Penal Code and sentenced with rigorous imprisonment for 5 years and fine of Rs.1000/- with default stipulation.
2. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Jagdalpur would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released on 08.03.2010.
3. Since no one appears for the Appellant today, I decide this appeal on merits.
4. I have heard Learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.
5. The case of the prosecution is based on the statement of Jagmohan (PW4), Shanti Bai (PW5) and Balram (PW9). In their deposition, they have fully supported the prosecution case and

have firmly stood by the contents of their case diary statements. From the statement of Head Constable Shiv Lochan (PW2), it also reveals that the appellant had absconded with the allotted SLR and 50 rounds of cartridges, which is further corroborated by the arms and ammunition register seized vide Ex.P1. By the said register, the aforesaid articles were issued to the appellant. Written intimation (Ex. P11) is proved by Company Commander Shivji Tiwari (PW10). Further investigation was done by D.R. Dhurv (PW13) and Dashrath Dekate (PW12).

6. Considering the material available on record, I do not find any merit in this appeal.
7. Consequently, the appeal deserves to be and is hereby dismissed.

Sd/-
(Arvind Singh Chandel)
Judge