

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 720 of 2008**

(Arising out of judgment dated 31.10.2007 passed in ST No.71/2007 by the Additional Sessions Judge, Jashpur District Jashpur)

- Sahru Ram aged about 45 years S/o Ganesh Ram, R/o Village Tapkara (Bhandar Deepa) District Jashpur (C.G.)

---- Appellant

Versus

- State Of Chhattisgarh Through Police Station Tapkara, District Jashpur (C.G.)

---- Respondent

For Appellant

Shri Azad Siddiqui, Advocate

For Respondent/State

Shri P.K. Bhaduri, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Judgment On Board

09/09/2017

1. The appellant has been convicted under Section 376 of the Indian Penal Code and has been sentenced to undergo R.I. for ten years.
2. A certificate of incarceration sent to this Court by the Jail Superintendent, Central Jail, Ambikapur, on 06.10.2015 would mention that the appellant has undergone 9 years 11 months and 29 days of jail sentence inclusive of the permissible remission and, as such, he has undergone the entire jail sentence.
3. The appellant himself has also sent a communication to this Court on 9.10.2015 requesting that since he had already undergone the entire jail sentence, his appeal may be treated as closed.

4. At this juncture, Shri Azad Siddiqui, learned counsel appearing for the appellant, would submit that he has not received any communication from the appellant, therefore, he would argue the appeal on merits. He would submit that the appellant has been falsely implicated in the present case because he was not pulling on well with his wife, therefore, his wife has persuaded his daughter to lodge the false report.
5. I have perused the record to assess the correctness of the impugned judgment of conviction. The appellant has allegedly committed forcible sexual intercourse with his own daughter, aged about 16 years. In her deposition, the prosecutrix has fully supported the prosecution case and has firmly stood by the contents of the FIR and her case diary statement.
6. Considering the material available on record and all other factors including the application sent by the appellant to this Court, I do not find any merit in this appeal. Therefore, the appeal deserves to be and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Akhilesh