

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Cr.A No. 165 of 2011**

- **Dasharath S/o Late Shri Dewar Ghasiya, aged about 42 years, R/o Village Lundra District- Sarguja (C.G.)**

---- Appellant**Versus**

- **State of Chhattisgarh Through Station House Officer, Police Station Darima, District – Sarguja (C.G.)**

---- Respondent

For Appellant	: None
For Respondent/State	: Smt. M. Asha, P. L . For the State.

Hon'ble Shri Justice Arvind Singh Chandel**Judgment On Board****04.11.2017**

1. The Appellant has been convicted under Sections 435 and 436 of the Indian Penal Code and sentenced with Rigorous Imprisonment for 3 years and to pay fine of Rs. 1000/- and rigorous imprisonment for 5 years and to pay fine of Rs. 1000/-, respectively, with default stipulation.
2. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Ambikapur would mention that the appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released from the Central Jail on

26.07.2013.

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 Appellant has allegedly committed the offence under Sections 435 and 436 of the Indian Penal Code. The prosecution case is based on the statement of complainant Dhaneshwari (PW-1). In her deposition, Dhaneshwari has fully supported the prosecution case and firmly stood by the contents of the F.I.R. and her case diary statement, which is duly corroborated by Neera (PW-2), daughter of Dhaneshwari and Rajesh (PW-3), son of Dhaneshwari. Motu (PW-4), Aminuddin Ansari (PW-5) and Lakshman Prasad Gupta (PW-6) have also stated that they also saw that the house of the complainant was burning.
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