

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 38 of 2008**

- Chumman Lal S/o Chaitram Tandon, Aged about 20 years, R/o. Village Rangkathera, P.S. Gunderdehi, District Durg, C.G., Chhattisgarh.

---- Appellant**Versus**

- State Of Chhattisgarh Through Police Station – Gurur, District Durg, C.G., Chhattisgarh.

---- Respondent

For Appellant : Shri Soumya Sharma, Advocate.

For Respondent/State: Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Judgment on Board

05/12/2018

1. This appeal has been preferred against judgment dated 27-12-2007 passed in S.T. No.19/07 by the Additional Session Judge, Balod, Distt. Durg, C.G. convicting the appellant under Section 376(1) of the IPC and sentencing him with R.I. for 7 years along with fine Rs.1,000/- with default stipulation.
2. The case of the prosecution, in brief, is this that, the prosecutrix was 14 years old girl on the date of incident, on 18-04-2007 when the prosecutrix was alone in her house, the appellant committed house-trespass and then forcibly committed offence of rape with the minor prosecutrix by putting her under threat. The prosecutrix informed about this incident to her father. Subsequent to which, the FIR (Ex.-P/6) was lodged, on that basis a numbered FIR Ex.-P/5 was separately recorded. The prosecutrix was medically examined and after completion of the investigation charge sheet was filed before

the concerned Court.

3. The appellant was charged with offence under Section 450, 376(1), 506 Part-II of the IPC, to which he denied and prayed for trial.
4. On completion of the prosecution evidence, the appellant was examined under Section 313 of the Cr.P.C. in which he denied all the incriminating evidence brought against him by the prosecution, pleaded innocence and false implication. No witness was examined in defence.
5. On completion of the trial, the impugned judgment was passed in which the appellant has been convicted and sentenced as aforementioned and he has been acquitted from the charges under Section 450, 506 Part -II of the IPC.
6. It is submitted by the counsel for the appellant that although the appellant has undergone whole of the jail sentence imposed upon him, but the conviction against him was bad in the eyes of law as the conviction has not been supported by any reliable and trustworthy witness of the prosecution. Therefore, it is prayed that the appeal may be allowed.
7. Per contra, learned counsel for the State opposes the grounds raised in the appeal and the submission made in this respect and submits that the prosecution has proved its case beyond reasonable doubt. Therefore, the appeal may be dismissed.
8. Heard learned counsel for the parties and perused the record of the trial Court.
9. After closely scrutinizing the statement of the witnesses present in the record of the trial Court and after due consideration, I am of this

opinion that the trial Court has not committed any error in coming to the conclusion to hold the appellant guilty for the offence under Section 376(1) of the IPC. Therefore, the appeal is without any substance, hence, the same is hereby dismissed accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil