

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 917 of 2008**

- Dhaniram S/o Jaimangal Rajwar, Aged about 40 years, Occupation Agriculturist, R/o Village Ledua, Thana Ramanujnagar, District Sarguja, C.G., Chhattisgarh.

---- Appellant**Versus**

- State Of Chhattisgarh Through Thana Prabhari – Ramanujnagar, District – Sarguja, C.G., Chhattisgarh.

---- Respondent

For Appellant : Shri N.K. Mehta, Advocate.

For Respondent/State: Shri Anant Bajpai, 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 30-09-2008 passed in S.T. No.473/07 by the First Additional Sessions Judge, Surajpur, District Sarguja, 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.500/- with default stipulation.
2. The case of the prosecution, in brief, is this that, on 24-09-2007 the prosecutrix (PW-7) was alone in her house, then at about 2:00 a.m. in the night the appellant who happens to be uncle-in-law of the prosecutrix entered into her house and forcibly raped her. The FIR (Ex.-P/10) was lodged by her. After completion of the investigation charge sheet was filed.
3. The appellant was charged with offence under Section 376(1) 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. One 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.
6. It is submitted by the counsel for the appellant that the appellant was in jail since 25-09-2007 hence, it appears that he must have released after completion of the sentence of imprisonment imposed upon him. However, it is submitted that the conviction against the appellant is bad in law as the same has not been supported by the reliable and trustworthy witnesses of the prosecution. Hence, 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