

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 1225 of 2001**

Shivram Kanwar S/o Reshamlal Kanwar aged 32 years,
Cultivator, resident of vill. Bangawa, P.S. Mahasamund, Tah &
District Mahasamund

---- Appellant

Versus

State of Chhattisgarh through P.S. Mahasamund, Tah &
District Mahasamund

---- Respondent

For Appellant : Shri H.B. Agrawal, Sr. Advocate with
Ms. Deepali Dubey, Advocate
For Respondent/State : Shri Vinod Tekam, Panel Lawyer

HON'BLE SHRI JUSTICE RAM PRASANNA SHARMA**JUDGMENT ON BOARD****22/10/2018**

1. This appeal is preferred against the judgment dated 31.10.2001, passed by the 1st Additional Sessions Judge, Mahasamund (CG) in Sessions Trial No. 423/95, wherein the said Court has convicted the appellant for commission of offence under Section 376 (1) of the I.P.C. and sentenced him to undergo R.I. for 7 years and to pay fine of Rs.500/- with default stipulation.

2. In the present case, prosecutrix is PW1. As per version of the prosecutrix, she had gone to the fields for grazing cattle and at the same time, the appellant came there and committed rape on her. She deposed the one Ramesh Kumar (PW4) was present during the

incident and on her cries Banshiram (PW2) also reached on the spot. Version of the prosecutrix is supported by the version of Banshiram (PW2) and Ramesh Kumar (PW4). Both the witnesses have been subjected to searching cross-examination, but nothing could be elicited in favour of the defence.

3. First Information Report, Ex. D/1 was lodged on 15.9.1993 on the next day of the incident i.e. 14.9.1993 in which the appellant is named as culprit. Looking to the evidence in its entirety, the trial Court opined that charge under Section 376(1) I.P.C. is fully established against the appellant.

4. This Court has re-assessed the evidence and after re-assessing the evidence, found no reason to record a contrary finding. Consequently, the conviction of the appellant for commission of offence under Section 376(1) I.P.C. is hereby affirmed. The trial Court has awarded minimum sentence to the appellant which is R.I. for 7 years and less than minimum cannot be awarded. Sentence part is also not liable to be interfered with.

5. Accordingly, the appeal is liable to be and is hereby dismissed.

6. As per report of the jail authorities, the appellant has suffered full jail term after getting remission, therefore, no order for his arrest etc. is required.

Sd/

(Ram Prasanna Sharma)
JUDGE

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