

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 706 of 2011**

1. Chhatrapal Singh S/o Indrapal Singh, aged about 19 years, R/o Village Chilka, P.S. Baikunthpur, Distt.-Korea, Chhattisgarh.
2. Indrapal Singh S/o Amna Singh Gond, aged about 45 years, R/o Village Chilka, P.S. Baikunthpur, Distt.-Korea, Chhattisgarh.

---- Appellants**Versus**

- State Of Chhattisgarh Through-Station House Officer, Police of Police Station-Baikunthpur, Distt.Korea, Chhattisgarh

---- Respondent

For the Appellant : Mr. Anil Gulati, Advocate.
 For the State/Respondent : Mr. Ashish Shukla, Govt. Advocate.

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

29/11/2018

1. This appeal has been preferred against the judgment of conviction and order of sentence dated 27.08.2011 passed by the learned Sessions Judge, Korea, Baikunthpur, Chhattisgarh in Session Trial No.79/2010 convicting the accused/appellant under Sections 354 & 307/34, 307 of Indian Penal Code (for short 'IPC') and sentencing him to undergo RI for 6 months & fine of Rs.500/-, RI for 4 years with fine of Rs.1000/- & RI for 4 years with fine of Rs.1000/- with usual default clauses, respectively.
2. The prosecution case, in brief, is this that on 4.7.2010 at about 5 pm when the victim along with her husband was going to her matrimonial

home, the appellants obstructed them and appellant No.1 said that he himself wanted to marry the victim but even then she has performed marriage with other and subsequent to that, appellant No.1 with intention to outrage her modesty used force on her body and at the same time, appellant No.2 assaulted the husband of the victim by Axe with intention to cause his death. On the same day, FIR ExP-1 was lodged in PS-City Kotwali based on which investigation was done.

3. On completion of investigation, the charge sheet has been filed before the concerned Court. Charges under Sections 354 & 307 of IPC were framed against the appellants, they denied the same and sought for trial. Appellants were examined under Section 313 of CrPC in which they denied all the incriminating evidence appearing against them, pleaded innocence and false implication. No witness was examined by appellants in his defence. On completion of trial the appellant stand committed and sentenced by the impugned judgment.
4. It is submitted by counsel for the appellant that during the pendency of this appeal, the appellants have already been released after serving out his entire jail sentence. He further submits that except the victim i.e. prosecutrix and her husband, no other independent witness has been examined by the prosecution to corroborate their evidence. Therefore, the prosecution has miserably failed to prove any of charges under Sections 307 & 354 of IPC against the appellants beyond reasonable doubt and hence their conviction in

those sections and sentences imposed with fine thereto were unsustainable and liable to be set aside.

5. Learned counsel for the State has opposed the grounds raised in this appeal as also the arguments advanced by the counsel for the appellants. It is submitted that prosecution has proved its case beyond doubt. The judgment impugned passed by the trial Court is strictly in accordance with law and needs no interference by this Court in exercise of its appellate jurisdiction. Hence, the appeal be dismissed.
6. I have heard learned counsel for the parties and perused the record of the trial Court including the impugned judgment.
7. After perusing the entire evidence present on record and closely scrutinizing the same, I am of this opinion that the prosecution has been able to prove the involvement of the appellants in the crime in question beyond doubt. The findings of the trial Court convicting and sentencing the appellant under Sections 354 & 307 of IPC are not perverse and I am in agreement with the findings recorded by the trial Court.
8. In the result, the appeal being devoid of merit is liable to be dismissed and is hereby dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha