

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 419 of 2014**

- Anturam Banjara S/o. Nakrahiya aged about 30 Years R/o. Village-Bishrampur Salheybhatapara, P.S. Bhanpuri, Civil and Revenue Distt. Bastar C.G., Chhattisgarh

---- Appellant**Versus**

- The State Of Chhattisgarh Through SHO, Ajak Jagdalpur, Distt.-Bastar, Chhattisgarh

---- Respondent

For the Appellant : Mr. Vivek Verma, Advocate.

For the State/Respondent : Mr. Anant Bajpai, Panel Lawyer.

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 30.11.2013, passed by the Additional Sessions Judge (Atrocity), Bastar at Jagdalpur, Chhattisgarh, in Sessions Trial No.38/2013, convicting the accused/appellant under Sections 341 & 376(1) of Indian Penal Code (for short 'IPC') and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act of 1989') and sentencing him to undergo RI for 1 year & fine of Rs.1,000/-, RI for 7 years & fine of Rs.1,000/- and RI for 1 year & fine of Rs.1,000/- with default clauses, respectively.

2. The prosecution case, in brief, is this that on 28.11.2011 in between 7 to 8 pm in the night, the appellant finding the prosecutrix PW-1 all alone in the agriculture field had committed rape with her. FIR ExP-10 was lodged by the prosecutrix. The prosecutrix was medically examined. On completion of investigation, the charge sheet has been filed before the concerned Court.
3. Charges under Sections 341 & 376(1) of IPC and Section 3(2)(v) of the Act of 1989 were framed against the appellant, he denied the same and sought for trial. Appellant was examined under Section 313 of CrPC in which he denied all the incriminating evidence appearing against him, pleaded innocence and false implication. No witness was examined by appellant in his defence.
4. It is submitted by counsel for the appellant that during the pendency of this appeal, the appellant has already been released after serving out his entire jail sentence. He further submits that the prosecution has failed to prove the charge of rape levelled against the appellant reasonable beyond doubt, hence, it is prayed that appeal be allowed.
5. Learned counsel for the State has opposed the grounds raised in this appeal as also the arguments advanced by the counsel for the appellant. 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 and closely scrutinizing the entire evidence present on record in trial Court, particularly of the prosecutrix, this Court is of the opinion that the prosecution had successfully established that on the day of incident appellant had forcibly committed rape with the prosecutrix while she was alone working in the agriculture field. The trial Court has not committed any error in holding the appellant guilty for the offences punishable under Sections 341 & 376(1) of IPC and Section 3(2)(v) of Prevention of the Act of 1989. Hence, this appeal being meritless is liable to be dismissed and is accordingly dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha