

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 762 of 2013**

- Rajendra Tiwari S/o Late Narayan Prasad Tiwari, Aged About 45 Years
Occupation Pooja- Path, R/o Pendraavan Sonar, P.S. Dhamdha, Distt.
Durg C.G., Chhattisgarh

---- Appellant**Versus**

- State of Chhattisgarh Through Station House Officer, P.S. Dhamdha,
Distt. Durg C.G., Chhattisgarh

---- Respondent

For Appellant : Shri Navin Shukla, Advocate.

For Respondent/State: Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Judgment on Board****28/11/2018**

1. This appeal has been preferred against judgment dated 27-06-2013 passed in S.T. No.138/2012 by the Additional Session Judge (FTC) 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.5000/- with default stipulation.
2. The case of the prosecution, in brief, is this that, the appellant is a sorcerer who was practicing sorcery on the prosecutrix for some time. He induced the prosecutrix that he has to practice sorcery in place of cremation and thus by taking her to a lonely place he committed the offence of rape with her. The FIR (Ex.-P/1) was lodged. 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 conviction against the appellant is erroneous as the prosecution witnesses were not trustworthy and their statement were not reliable. Hence, the appellant is entitled for acquittal.
7. Per contra, learned counsel for the State opposes the grounds raised in the appeal and the submission made by learned counsel for the appellant 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. Perused the deposition of the witnesses. After close scrutinizing of the same, I am of this opinion that no case is made out for acquittal of the appellant in this case. Hence, the appeal is without any substance and the same is dismissed accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge