

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 662 of 2013**

- Pradip Sahu S/o Premkumar Sahu, Aged About 21 Years, R/o Village Kusmi, PS - Berla, Civil And Rev. Distt. Durg C.G., Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through PS - Jamul, Civil And Rev. Distt. Durg C.G., Chhattisgarh

---- Respondent

For Appellant : Ms. Arpana Singh, Advocate.

For Respondent/State: Mr. Vijay Bahadur Singh, 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 29-06-2013 passed in Special S.T. No.21/2011 by the Special Judge, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act)(in short 'the SC/ST Act'), Durg, C.G. convicting the appellant under Section 363 and 366 of the IPC and sentencing him with R.I. for 5 years and R.I. for 5 years, along with fine Rs.5000/- and Rs.5000/-, respectively, with default stipulations and direction that both the jail sentences shall run concurrently.
2. The case of the prosecution, in brief, is this that, the appellant abducted the minor prosecutrix and by alluring her with false promise to marry her took her to the farm house and committed the offence of rape with her. The prosecutrix came back on 06-04-2011 and subsequent to that she was suffering from some kind of illness because of which she committed suicide on the same day. The postmortem report discloses suspected poisoning as cause of

death. The FIR was lodged earlier on 04-04-2011 registering the offences under Section 363, 366 of the IPC against the appellant in which offence under Section 376 and 302 of the IPC along with Section 3(2)(5) of the SC/ST Act was also added as the prosecutrix belonged to Scheduled Caste. After completion of the investigation, charge sheet was filed before the concerned Court.

3. The appellant was charged with offence under Section 363, 366, 376, 302 in alternate Section 306 of the IPC and Section 3(2)(5) of the SC/ST Act, 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. No 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. However, he was acquitted from charges under Section 376, 302 and 306 of the IPC as well as under Section 3(2)(5) of the SC/ST Act.
6. It is submitted by the counsel for the appellant that the appellant has completed his sentence and has been released, but the conviction of the appellant is bad in law as it is not supported with reliable and trustworthy witnesses of the prosecution. Hence, the conviction against the appellant may be set aside.
7. Per contra, learned counsel for the State opposes the argument and submits that the prosecution has proved its case beyond reasonable

doubt. Therefore, there is no reason for interference in the impugned judgment.

8. Heard learned counsel for the parties and perused the record of the trial Court.
9. After close scrutinizing of all the evidence present in the record of the trial Court, it appears that conviction against the appellant is supported by reliable and trustworthy evidence of prosecution, hence, this appeal is without any substance which is dismissed accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge