

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRA No. 530 of 2013**

- Sukhna S/o Bhoura Nagesiya Aged About 36 Years R/o Village Lasunpath , P.S. Shankergarh , Distt. Surguja C.G., Chhattisgarh

**---- Appellant****Versus**

- State Of Chhattisgarh S/o Through - P.S. Gandhinagar , Distt. Surguja C.G. , Chhattisgarh

**---- Respondent**


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For Appellant : Smt. Meera Jaiswal, Advocate.

For Respondent/State: Shri Vijay Bahadur Singh, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Judgment on Board**

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**05/12/2018**

1. This appeal has been preferred against judgment dated 17-04-2013 passed in S.T. No.272/2011 by the First Additional Sessions Judge, Ambikapur, District Sarguja, C.G. convicting the appellant under Section 450/34, 394/34 read with Section 397/34 of the IPC and sentencing him with R.I. for 7 years, R.I. for 7 years along with fine Rs.1000/- and Rs.1000/-, respectively, with default stipulation and direction that both the jail sentences shall run concurrently.
2. The case of the prosecution, in brief, is this that, on 04-03-2011 at about 2:00 a.m. before sunrise two persons entered into the house of complainant Sushil Tigga (PW-2) and Vinod Tigga (PW-5) and looted one mobile phone, cash Rs. 1300/- from the complainant. After raising alarm the witnesses arrived on the spot and caught hold of one person who disclosed that his name is Sukhna Nagesiya, i.e., the appellant. The appellant was handed over to the

police and the FIR (Ex.-P/2) was lodged. Police completed the investigation and filed the charge sheet before the concerned Court.

3. The appellant was charged with offence under Section 450/34, 397/34 and 394/34 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. 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.
6. It is submitted by the counsel for the appellant that the appellant was in jail since 05-03-2011, hence, it appears that he must have completed the sentence of imprisonment imposed upon him. However, it is submitted that the conviction against the appellant is bad in law as the same has not been supported by the reliable and trustworthy witnesses of the prosecution. Hence, the appeal may be allowed.
7. Per contra, learned counsel for the State opposes the grounds raised in the appeal and the submission made in this respect 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. After closely scrutinizing the statement of the witnesses present in

the record of the trial Court and after due consideration, I am of this opinion that the trial Court has not committed any error in coming to the conclusion to hold the appellant guilty for the offence as aforementioned. Therefore, the appeal is without any substance, hence, the same is hereby dismissed accordingly.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
Judge

Aadil