

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1212 of 2013**

- Rajkumar S/o Gorelal Vastrakar, Aged About 22 Years, R/o Jonki Thana - Takhatpur, Post Office - Takhatpur, Distt. Bilaspur C.G. Pin Code No. 495330. , Chhattisgarh

---- Appellant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Takhatpur, Post Office - Takhatpur, Distt. Bilaspur C.G. Pin No. 495330, Revenue and Civil District Bilaspur C.G., Chhattisgarh

---- Respondent

CRA No. 5 of 2014

- Ranjit Vastrakar S/o Raj Kumar Vastrakar, Aged About 25 Years, R/o Chorbhatti Kala, Police Station Takhatpur, Tahsil Takhatpur, Distt. Bilaspur, Civil and Revenue Distt. Bilaspur C.G., Chhattisgarh

---- Appellant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Takhatpur, Tahsil Takhatpur, District Bilaspur C.G., Chhattisgarh

---- Respondent

For Appellants : Shri Deepak Jain and Shri Malay Shrivastava, Advocates.
For Respondent/State: Shri Avinash K. Mishra, Panel Lawyer.

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

13/12/2018

1. As both these appeals arise out of the same judgment, they are being decided by this common judgment.
2. These two appeals have been preferred against judgment dated 28-10-2013 passed in Special S.T. No.91/13 by the VIth Additional Sessions Judge, Bilaspur, C.G. convicting each appellants under Section 323/34, 363/34, 364/34 and 307/34 of the IPC and

sentencing them with fine of Rs.200/-, R.I. for 5 years, R.I. for 7 years, R. I. for 7 years along with fine of Rs.200/-, Rs.200/-, and Rs.200/- with default stipulations and direction that all the jail sentences shall run concurrently.

3. The case of the prosecution, in brief, is this, that, on 02-03-2013 the appellants abducted the minor son of complainant Rajkumar Sahu (PW-8) and thereafter they assaulted and injured him. The victim, minor Uday @ Adarsh was recovered on 03-03-2013 at about 9:00 a.m. and he informed about the incident that has taken place. Thereafter, the FIR (Ex.-P/8) was lodged. After completion of the investigation the charge sheet was filed before the concerned Court.
4. The appellants were charged with offence under Section 363/34, 364/34, 323/34 and 307/34 of the IPC, to which they denied and prayed for trial.
5. On completion of the prosecution evidence, the appellants were examined under Section 313 of the Cr.P.C. in which they denied all the incriminating evidence brought against them by the prosecution, pleaded innocence and false implication. No witness was examined in defence.
6. On completion of the trial, the impugned judgment was passed in which the appellants have been convicted and sentenced as aforementioned.
7. It is submitted by the counsel for the appellants that the appellants have been erroneously convicted without there being any reliable and trustworthy evidence of prosecution. It is also submitted that the appellants had been continuously in jail since the date of their arrest

and as per the information received, they have completed the sentence of imprisonment imposed upon them and they have been released thereafter.

8. Per contra, learned counsel for the State opposes the grounds raised in the appeal and submits that the prosecution has proved its case beyond reasonable doubt. Therefore, the appeal may be dismissed.
9. Heard learned counsel for the parties and perused the record of the trial Court.
10. After close scrutinizing of the evidence of all the witnesses present in the record of the trial Court, I do not find any infirmity in the judgment impugned wherein the appellants were convicted and sentenced as aforementioned. Therefore, both the appeals are liable to be and are hereby dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge