

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 443 of 2011

Imtiyaz Khan S/o Sahmat Khan, aged about 23 years, Occupation Agriculture
R/o Village Sendwartoli, Police StationDuldula, District Jashpur (C.G.)

---- Appellant

Versus

State of Chhattisgarh Through Police Station Duldula, District Jashpur (C.G.)

---- Respondent

For Appellant	:	None.
For Respondent	:	Mrs. Smriti Shrivastava, PL

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

22/07/2019

1. By the impugned judgment dated 23/04/2011 passed in Special Session Trial No. 32/2010 by the Special Judge, Jashpur, the Appellant has been convicted under Section 376 (2) (g) of the IPC and sentenced to undergo rigorous imprisonment for 10 years with fine of Rs. 100/- with default stipulation.
2. Facts of the case are that on 28/01/2010, the Prosecutrix was going towards Dhangrinacha. It is alleged that the Appellant along with co-accused (juvenile Kiran Alok Minj) reached there and forced her to open her clothes. On refusal, they threatened her to kill. Thereafter, they forcibly committed sexual intercourse with her. A report was made by the Prosecutrix and offence has been registered. After

completion of the investigation, a charge-sheet was filed and charges were framed.

3. After trial, the learned trial Court has acquitted the Appellant for the offence punishable under Section 3 (2) (5) of the SC/ST (Prevention of Atrocities) Act and convicted him under Section 376 (2) (g) of the IPC and sentenced him as mentioned in paragraph one of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Ambikapur would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released 04/03/2018.
5. Since no one appears for the Appellant today, I decide this appeal on merits.
6. I have heard Learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.
7. In her statement, the Prosecutrix (PW1) has categorically stated that at the time of incident when she was returning from school along with her friends namely Pramila Kindo, Ku. Beena Minj and Ku. Anita, the Appellant along with co-accused Kiran Alok came there and threatened them. Thereafter, Appellant Imtiyaz had taken her towards forest and committed forcible sexual intercourse with her. Co-accused Kiran Alok also committed forcible sexual intercourse with her. The matter was reported by her vide Ex.P.-1. Her statement is duly corroborated by Ku. Pramila (PW2), Dr. Smt. Swadamni Deohuri (PW5) who examined

the Prosecutrix and opined that sexual intercourse was committed with the Prosecutrix. The Prosecutrix and Ku. Pramila Kindo (PW2) remained firm during their cross-examination. From the above evidence available on record, it is clear that the Appellant along with co-accused Kiran Alok Minj has committed forcible sexual intercourse with the Prosecutrix, therefore, the finding of the trial Court in this regard is in accordance with law and the Appellant has been rightly convicted.

8. Consequently, I do not find any merit in this appeal. The same is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge