

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 437 of 2011

Ravi Kumar Sahu S/o Sameer Lal Sahu, aged about 20 years R/o Village Bidora, Police Station Fingeshwar, District Raipur (C.G.)

---- Appellant

Versus

State of Chhattisgarh Through Police Station Fingeshwar, District Raipur (C.G.)

---- Respondent

For Appellant	:	None.
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

19/07/2019

1. By the impugned judgment dated 06/04/2011 passed in Special Session Trial Case No. 42/2010 by the Court of Additional Sessions Judge, Gariyaband, District Raipur, the Appellant has been convicted under Section 376 (1) and Section 452 of the IPC and sentenced to undergo rigorous imprisonment for 7 years with fine of Rs. 1000/- and RI for 1 year with fine of Rs. 1000/-, respectively, with default stipulations.
2. Facts of the case are that the age of the Prosecutrix was about 15 years at the relevant time. On 13/08/2010, family members of the Prosecutrix had gone for field work. It was alleged that at about 10:00 am, when the Prosecutrix was alone in her house the Appellant entered into the house of the Prosecutrix and committed forcible

sexual intercourse with her twice. The Prosecutrix narrated the whole incident to her neighbor Tulsi Bai. When the parents of the Prosecutrix returned, she also narrated the incident to them. Thereafter, father of the Prosecutrix constituted a social meeting and on 14/08/2010, FIR has been registered. The Prosecutrix was medically examined by Dr. Chandrakala Chandrawanshi (PW18). Statement of the Prosecutrix and other witnesses have been recorded. A school certificate of the Prosecutrix regarding her age was also seized. After completion of the investigation, a charge-sheet has been filed. Trial Court framed the charges under Section 376 (1), 506-II and 452 of the IPC against the Appellant. As many as 28 prosecution witnesses have been examined. No defence witness has been examined. Statement of the Appellant under Section 313 of the Cr.P.C was recorded, wherein he has pleaded his innocence and false implication in the matter.

3. After trial, the trial Court acquitted the Appellant from the charge framed under Section 506-II of the IPC, however, he has been convicted under the aforementioned sections and sentenced as mentioned in paragraph one of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Raipur would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released 22/03/2016.
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. The Prosecutrix (PW19) in her statement recorded before the Trial Court has categorically stated that at the time of incident when she was alone in her house, the Appellant entered into her house and after removing her clothes committed forcible sexual intercourse with her. Thereafter, the Appellant fled away from the spot. It has been further stated by this witness that just after the incident, she narrated the whole incident to Savitri Bai and Tulsi Bai. Both Savitiri (PW25) and Tulsi Bai (PW2) have not supported the entire incident as narrated by the Prosecutrix, but both had admitted the fact that at about 1:00 pm, the Prosecutrix came to them and had stated that the Appellant entered into her house. Apart from this, both the witnesses have not stated anything and have turned hostile.
8. Father of the Prosecutrix namely Puneet Ram (PW20) and mother Lalita (PW21) supported the statement of the Prosecutrix and have stated that at the relevant time, when they returned to their house, the Prosecutrix narrated the entire incident to them. As stated by Puneet Ram (PW20), a social meeting was also called by him. Khojuram (PW3), Deena Ram (PW4), Maniram (PW5), Kali Ram (PW6), Kumanik Dhruw (PW8), Bhukhan (PW9) and Ramu Dhurw (PW10) have supported the above statement of Puneet Ram (PW20) and have stated that in the social meeting it was told by Puneet Ram that the Appellant had committed forcible sexual intercourse with her daughter. From the above statement of the Prosecutrix and the above mentioned witnesses, it is well established that at the time of incident, the

Appellant entered into the house of the Prosecutrix and had committed forcible sexual intercourse with the Prosecutrix. Thus, the finding of the trial Court in this regard is in accordance with law and the said Court has rightly convicted the Appellant.

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

**Sd/-
(Arvind Singh Chandel)
Judge**