

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 22 of 2015**

- Punam Vaidh S/o Adhan Singh Vaidh, Aged About 30 Years, R/o Village Shahkatta, P.S. Bhanupratappur, Civil and Revenue District Kanker C.G., Chhattisgarh

---- Appellant**Versus**

- State of Chhattisgarh Through P.S. Bhanupratappur, Civil and Revenue District Kanker C.G., Chhattisgarh

---- Respondent

For Appellant : Shri N.K. Chatterjee, Advocate.
For Respondent/State: Shri Adil Minhaj, Panel Lawyer.

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

17/01/2019

1. This appeal has been preferred against judgment dated 16-12-2014 passed in Session Trial No.50/2013 by the Additional Sessions Judge (F.T.C.) for trial of Sexual Offences (rape cases) Uttar Bastar, Kanker (C.G.) convicting the appellant under Section 376 and 323 of the IPC and sentencing him with R.I. for 7 years, and R.I. for 6 months along with fine Rs.500/- and Rs.500/- with default stipulations and direction that both the jail sentences shall run concurrently.
2. The prosecution case, in brief, is this, that, on 24-03-2013 at about 8 p.m. the prosecutrix (PW-1) had been to the fields to answer the call of nature when as alleged this appellant caught hold of her and then by force committed offence of rape with her. The prosecutrix raised alarm hearing which her husband Ramnath Bais (PW-2)

arrived on the spot and saw the appellant fleeing. A meeting of villager elders was held and thereafter the FIR (Ex.-P/1) was lodged against this appellant. After registration of the offence against the appellant the case was investigated and charge sheet was filed in the case.

3. The appellant was charged with offences under Section 376 and 323 of the IPC, to which he denied and prayed for trial.
4. After completion of the prosecution evidence, the appellant was examined under Section 313 of the Cr.P.C., in which the appellant denied all the incriminating evidence against him, pleaded innocence and false implication. No witness was examined in defence.
5. After completion of the trial, the impugned judgment has been passed where in this appellant has been convicted and sentenced as aforementioned.
6. It is submitted by learned counsel for the appellant has been erroneously convicted by the trial Court without there being reliable and trustworthy evidence of the prosecution, hence, his conviction is bad in law. It is also submitted that the appellant has been released from jail after completion of the sentence of imprisonment imposed upon him by the trial Court, however, to restore the prestige of the appellant this appeal may be allowed.
7. Learned counsel for the State/respondent opposes the grounds raised in the appeal and the submission made in this regard 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. Perused the entire evidence present in the record of the trial Court and after closely scrutinizing the same, I am of this opinion that the trial Court has not committed any error in convicting the appellant for the offences as aforesaid and in sentencing him accordingly. Therefore, this appeal is without any substance, hence, the same is accordingly dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge