

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 20 of 2014

- Dilip Singh, S/o. Shri Brijraj Singh, aged about 34 Years, R/o Bhathadih, P.S. Machchali Shahar District-Jaunpur U.P. at present Lohar Pathara, P.S. Bhakhara, Civil & Revenue District-Dhamtari, Chhattisgarh

---- Appellant

Versus

- The State of Chhattisgarh Through SHO, P.S. Bhakhara, Civil & Rev. Distt. Dhamtari, Chhattisgarh

---- Respondent

For the Appellant : Mr. Y.C. Sharma, Advocate.

For the State/Respondent : Mr. Avinash K. Mishra, Panel Lawyer.

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

07/02/2019

1. This appeal has been preferred against the judgment of conviction and order of sentence dated 30.11.2013, passed by Additional Session Judge(F.T.C.), Dhamtari, Chhattisgarh, in Sessions Trial No.15/2013, convicting the accused/appellant under Sections 363, 366, 376, 506-II & 342 of Indian Penal Code (for short 'IPC') and sentencing him to undergo RI for 3 years with fine of Rs.1000/-, RI for 5 years with fine of Rs.500/-, RI for 7 years with fine of Rs.500/-, RI for one year & RI for 6 months with usual default clauses.
2. The prosecution case, in brief, is this that prosecutrix PW-1 went

missing, regarding which one missing report was lodged by Amrika Bai PW-2 and FIR was also lodged named against this appellant, in which, offence under Sections 363, 366, 376, 342, 417 & 506 of IPC were registered. During investigation, the prosecutrix PW-1 was recovered who was found to be minor. She stated that the appellant had allured her with promise to marry her and then after taking her to a different places and had committed the offence of rape with her. The prosecutrix was medically examined. The statement of witnesses were recorded and the seizure of articles were made.

3. On completion of investigation, the charge sheet has been filed before the concerned Court. Charges under Sections 363, 366, 376, 342, 417 & 506 of IPC were framed against the appellant, he denied the same and sought for trial. In order to prove the charge the prosecution had examined as many as 9 witnesses. Statement of appellant was recorded under Section 313 of CrPC in which he denied all the incriminating evidence appearing against him, pleaded innocence and false implication. No witness was examined by appellant in his defence. On conclusion of trial the appellant stands convicted and sentenced as aforesaid in the impugned judgment.
4. It is submitted by counsel for the appellant that that the appellant has been falsely implicated in the present case and has been convicted & sentenced by the trial Court without there being any evidence to sustain the conviction & sentence. It is also submitted that the appellant has been released from jail after completion of sentence of imprisonment, hence, only to restore of prestige of appellant the

appeal be allowed.

5. Learned counsel for the State has opposed the grounds raised in this appeal as also the arguments advanced by the counsel for the appellant. It is submitted that prosecution has proved its case beyond doubt. The judgment impugned passed by the trial Court is strictly in accordance with law and needs no interference by this Court in exercise of its appellate jurisdiction. Hence, the appeal is liable to be dismissed.
6. I have heard learned counsel for the parties and perused the record of the trial Court including the impugned judgment.
7. The question that requires determination in this appeal is as to whether the prosecution has been able to establish guilt of accused/ appellant, on the basis of evidence beyond reasonable doubt ?
8. After perusing and closely scrutinizing the entire evidence available on record, it is apparent that the trial Court elaborately considered the evidence of each individual material witness in detail and that being the position, this Court is the opinion that the trial Court has not committed any mistake in arriving at a conclusion that the appellant is guilty for the offence punishable under Sections 363, 366, 376, 506-II & 342 of IPC. Hence, this appeal has no substance, the same is liable to be dismissed and is hereby dismissed.
9. Since the appellant has already served the period of rigorous imprisonment to which he was sentenced, no further direction

regarding his surrender etc. is needed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha