

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 448 of 2011

1. Pateshwar Ram Yadav S/o Shankar Ram Yadav, Aged about 19 years, Occupation Labour R/o Village Raikona, Thana & Tahsil Jashpur, Distt. Jashpur (C.G.).
2. Neema @ Neeman Kujur S/o Emmanuel Kujur, Aged about 21 years Occupation Labour R/o Village Harradipa, Thana Aasta, Tahsil and Distt. Jashpur (C.G.)

---- Appellants

Versus

State of Chhattisgarh Through Incharge Aarakshi Grih, Jahspur, Distt. Sarguja (C.G.)

---- Respondent

For Appellant	:	None.
For Respondent	:	Mr. Amit Singh, PL

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

22/07/2019

1. By the impugned judgment dated 11/05/2011 passed in Special Criminal Case No. 11/2010 by the Special Judge, Jashpur, the Appellants have been convicted under Sections 376 (2) (g), 366, 363 & 341 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 10 years with fine of Rs. 100/-, RI for 5 years with fine of Rs. 100/-, RI for 3 years with fine of Rs. 100/- and RI for 15 days, respectively, with default stipulations.
2. Facts of the case are that the Prosecutrix, student of 9th class was

returning to his house from her school along with her school mates on 15/02/2010. Both the Appellants were also following her. They stopped her on the way. Friend of the Prosecutrix Kalabati ran away from there. The Prosecutrix was caught hold by the accused Neeman and she was taken towards village Palangdiha. Appellant Neeman forcibly raped with her and thereafter Appellant Pateshwar also raped her. The matter was reported and offence has been registered. After completion of the investigation, a charge-sheet has been filed. After trial, the trial Court has convicted and sentence the Appellant as mentioned in paragraph one of this judgment. Hence, this appeal.

3. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Ambikapur would mention that the Appellants have undergone the entire jail sentence imposed upon him by the Trial Court and already released on 21/07/2017 and 11/10/2017, respectively.
4. Since no one appears for the Appellants today, I decide this appeal on merits.
5. I have heard Learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.
6. In her statement, the Prosecutrix (PW8) has categorically stated that at the time of incident when she was returning from the school along with her friend Kalababti, both the Appellants chased her. Her friend Kalabati fled away from there. Thereafter, the Appellant caught hold her and taken towards the village. Appellant Neeman committed forcible sexual intercourse with her and thereafter, Appellant

Pateshwar also committed raped with her. She reported the matter vide Ex.P-9. Her above statement is dully corroborated by Ku. Kalabati (PW10). Though Dr. Manju Minj (PW12) who examined the Prosecutrix did not give her definite opinion regarding rape, the Prosecutrix has categorically stated that the Appellants had committed forcible sexual intercourse with her one by one and she remained firm during her cross examination. Her statement is duly corroborated by the above witness. There is sufficient evidence available on record regarding rape, therefore, the finding of the trial Court in this regard is in accordance with law.

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

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