

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.A. No. 334 of 2014

Vijendra Prasad, S/o. Late Shri Jageshwar Prasad Kushwaha, Aged About 33 Years, R/o. Sirsi, Police Chowki, Basdeye, P.S. and Distt. Surajpur C.G.

---- Appellant

Versus

State Of Chhattisgarh, Through : P.S. Surajpur, Distt. Surajpur C.G.

-----Respondent

For Appellant	: Mr. Rajendra Patel, Advocate
For Respondent/State	: Mr. A.N.Bhakta, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/01/2019

1. This appeal has been preferred against the judgment of conviction and order of sentence, passed by the First Additional Sessions Judge, Surajpur, District – Surajpur (C.G.), in Sessions Trial No.403/2012 on 07.03.2014, convicting the appellant for the offence under Section 376/511 of the Indian Penal Code and sentencing him for rigorous imprisonment for a period of 5 years and fine of Rs.100/- with default stipulations.
2. The case of the prosecution is this that on 19.09.2012, when the prosecutrix (P.W.-2) was grazing goats in the fields, the appellant caught hold of her and attempted to commit rape with the

prosecutrix and when her father Rajendra Kumar (P.W.-1) arrived on the spot the appellant fled away from the spot. FIR was lodged and on that basis, investigation was conducted and charge-sheet was filed after completion of investigation against the appellant before the concerned Court.

3. Appellant was charged with offence under Section 376 (2) (f) of the Indian Penal Code. The appellant denied the charges and prayed for trial. The prosecution examined as many as five witnesses on its behalf. On examining the appellant under Section 313, he denied all the incriminating evidence against him and pleaded innocence and false implication. No witness was examined in defence. On completion of trial, judgment has been delivered, in which the appellant stands convicted and sentenced as mentioned aforesaid.
4. It is submitted by the learned counsel appearing on behalf of the appellant that that the appellant has been wrongly convicted by the trial Court on the basis of the unbelievable evidence of the prosecution evidence and the prosecution has totally failed to bring the evidence beyond reasonable doubt. It is also submitted that the appellant has already undergone the sentence imposed upon him by the trial Court and he has been released from the jail.
5. Counsel for the State opposes the grounds raised in appeal and the submissions made in this respect. It is submitted that the prosecution has proved its case beyond all reasonable doubts. Hence there is no room for interference in the impugned judgment, hence, the appeal be dismissed.

6. I have heard the learned counsel for the parties and perused the record of the Court below.
7. The point in issue in this appeal is whether the prosecution has proved the charges against the appellant on the basis of the evidence beyond reasonable doubt?
8. After closely scrutinizing the evidence of all the relevant witnesses, in this case and after due consideration I am of this view that the trial Court has not committed any error in coming to the conclusion of finding guilt against the appellant, therefore, the appeal is without any substance and it is dismissed accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge