

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.A. No. 1295 of 2018

Smt. Jeetni Bai, W/o. Sitran Korwa, Aged About 50 Years, R/o. Babu Toli, Kawai, Police Station -Sanna, District – Jashpur, Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Sanna, District -Jashpur, Chhattisgarh.

-----Respondent

For Appellant	: Ms. Meenu Banerjee, Advocate
For Respondent/State	: Mr. Aadil Minhaz, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/01/2019

1. This appeal has been preferred against the judgment of conviction and order of sentence, passed by the learned Sessions Judge, Jashpur, District – Jashpur (C.G.), in Sessions Case No.28/2017 on 31.01.2018, convicting the appellant for the offence under Section 324 of the Indian Penal Code and sentencing her for rigorous imprisonment for a period of 6 months, for offence under Section 4 of Tonhi Pratadna Adhiniyam, 2005 and sentencing her for rigorous imprisonment of 6 months and under Section 5 of Tonhi Pratadna Adhiniyam, 2005 and sentencing her for rigorous imprisonment of 6 months and fine of Rs.1,500/- with default stipulations

2. The case of the prosecution is this that on 09.03.2017, at about 11.00 PM in the night, the appellant assaulted and injured Gendli Bai (P.W.-1) alleging that she is a sorcerer and she also threatened to kill her. Complainant Ratnu Ram Korwa (P.W.3) lodged FIR (Ex.P-1) in Police Station – Sanna and on that basis investigation has been done and the charge-sheet has been filed against this appellant before the concerned Court.
3. Appellant was charged with offence under Section 307 of the Indian Penal Code and Section 4 & 5 of C.G. Tonhi Pratadna Adhiniyam. The appellant denied the charges and prayed for trial. The prosecution examined as many as 17 witnesses on its behalf. On examining the appellant under Section 313, she denied all the incriminating evidence against her 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 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 completely undergone the sentence imposed upon her by the trial Court and has also deposited the fine amount imposed upon her because of which, she has been released from the jail. Hence, to restore her prestige this appeal be allowed.

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. Perused the entire evidence of all the witnesses examined by the prosecution before the trial Court. After closely scrutinizing the same 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