

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 544 of 2007**

Raju Sahu S/o Yogesh Sahu, Age about- 22 years, R/o Ghoghra, P.S. Pithora, Distt. Mahasamund, C.G.

---- Appellant

Versus

State of Chhattisgarh, Through- Station House Officer, Police Station-Pithora, District- Mahasamund(C.G.)---- Respondent

 For Appellant : Mr. Ajay Chandra, Advocate on behalf of Mr. Y.C. Sharma, Advocate
 For State : Mr. Raghvendra Verma, G.A.

Hon'ble Shri Justice Ram Prasanna Sharma**Judgment on Board**

08.01.2020.

1. This appeal is preferred against judgment dated 5th of May, 2007 passed by learned Special Judge constituted under Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, Mahasamund (C.G.), in Special Sessions Case No. 02/2006, wherein the said Court convicted the appellant for charge punishable under Section 376(1) of Indian Penal Code, 1860 and sentence him for R.I. for 10 years with fine of Rs. 5,000/- with default stipulations.
2. In the present case, prosecutrix is (PW-3). As per version of prosecutrix, she went to the house of her maternal uncle namey Doulat Ram to attend marriage ceremony, where she was taking water from a drum, at that time the appellant/accused came there, pressed her mouth, took her to *Pairahat* and committed rape on her. Version of this witness was unrebutted during cross examination. Pokhram(PW-2), Sumrit Bai (PW-2), Bhukhau Ram(PW-4) have supported

version of the prosecutrix. All these witnesses have been subjected to searching cross examination but nothing is elicited in favour of the defence. Direct evidence is supported by version of Dr. Smt. T.Agrawal(Pw-5) who examined the prosecutrix on 20th of February, 2006 at Community Health Centre, Pithora and opined that she has been instantly ravished, she finds injuries at private part of the prosecutrix and opined that injuries were caused within 24 hrs. of the examination. Dr.S.N.Dadsena (PW-7) examined the accused/appellant and found him capable of intercourse. The incident took place on 20th of February, 2006 and report was lodged against the appellant on the same date at Police Station Pithora naming the appellant as culprit and his act of rape was also mentioned in the said report.

3. The evidence of the prosecutrix is inspiring the confidence. Looking to the entire evidence, this Court is of the view that testimony of the prosecutrix is wholly trustworthy and reliable and it does not require any corroboration in support thereof. There is ample corroboration with the statements of other witnesses and expert opinion. There is nothing on record to show that appellant has been falsely roped in the charge in question. There is no delay in lodging the report, therefore, the evidence against the appellant is clinching in nature that is why trial Court recorded finding of conviction. This Court has no reason to record contrary view. Accordingly, the conviction of the appellant for offence under Section 376(1) is hereby affirmed.

4. The trial Court awarded 10 years sentence for offence under Section 376(1) to the appellant/accused, which cannot be termed as harsh, disproportionate or unreasonable. Sentence part is also not liable to be interfered.
5. Accordingly, The appeal is liable to be and is hereby dismissed at motion stage.
6. As per jail report of the jail authority, the appellant has suffered full jail term thereafter, released from jail, therefore, no further order for his arrest etc., is required.

Sd/-

(Ram Prasanna Sharma)
JUDGE