

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 25 of 2015

- Holsai S/o Babulal Rajwade Aged About 20 Years Occupation-Agriculturist R/o Village-Sundergarh Bhalwahi Garha P.S - Jainagar Civil And Revenue Distt. Surajpur, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh S/o Through - Police Station Pratappur Distt. Surajpur, Chhattisgarh.

---- Respondent

For Appellant	:	None.
For Respondent/State	:	Smt. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

04/08/2020

1. By the impugned judgment dated 17/12/2014 passed in Special S.T. No. 13/2014 by the Special Judge (SC/ST Prevention of Atrocities Act), Surajpur, District – Surajpur, Chhattisgarh the Appellant has been convicted under Section 376 of the Indian Penal Code and Section 4 of POCSO Act and sentenced to undergo rigorous imprisonment for 7 years and to pay fine of Rs. 2,000/- with default stipulation.
2. According to case of the prosecution, age of the prosecutrix (PW-2) at the relevant time was below 18 years. On 25.12.2013, prosecutrix (PW-2) lodged a report against appellant alleging that on 25.12.2013 itself, she was returning to her house from school by bus, she descended from bus at Nawapara and was returning to her house on

feet. When she reached near nursery, present applicant came there and forcibly took her towards 'nala' and committed forcible sexual intercourse with her and fled away from the spot. After reaching to her house, prosecutrix informed about the incident to her parents. Matter was reported by the prosecutrix. She was medically examined. Statement of the witnesses were recorded under Section 161 of Cr.P.C. After completion of investigation, a charge-sheet was filed. Trial Court framed the charges. To prove the guilt of the accused/appellant, the prosecution has examined as many as 8 witnesses. No defence witness has been examined. Statements of the appellant under Section 313 of the Cr.P.C. were recorded, wherein accused/appellant has pleaded his innocence and false implication in the matter.

3. After trial, the trial Court has convicted and sentenced the appellant as mentioned in paragraph 1 of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Ambikapur, (C.G.) dated 21.05.2020 would mention that the Appellant has undergone the entire jail sentence imposed upon him by the trial Court and already released on 08.04.2019.
5. No one appears on behalf of appellant today. Finding the correctness of judgment of the trial Court, I decide this appeal on merits.
6. I have heard learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.
7. I have gone through the entire evidence produced by the prosecution thoroughly. From the evidence adduced by the prosecution, it is well

established that at the time of incident, age of the prosecutrix (PW-2) was between 14-16 years. Prosecutrix (PW-2) has supported the case of the prosecution. She remained firm during her cross-examination. As adduced by the prosecutrix, after the incident, she immediately informed about the alleged act to her parents. They have also corroborated the above statement of the prosecutrix. Medical report of the prosecutrix also corroborates the case of the prosecution. Looking to the entire evidence available on record, in my opinion, trial Court has rightly convicted the appellant.

8. Consequently, the appeal has no merit and the same is liable to be and is hereby dismissed.

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