

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 558 of 2002

1. Mannulal S/o Ludaru Sahu Aged About 35 Years R/o. Village Achhoula, P.S. Tumgaon, Distt. Mahasamund (C.G.)
2. Shekhar Son of Dashrath Singh aged about 28 years, Caste Thakur, R/o. Village Achhoula, P.S. Tumgaon, Distt. Mahasamund (C.G.)

---- Appellants

Versus

State Of Chhattisgarh Through P.S. Tumgaon District Mahasamund (C.G.)

---- Respondent

For Appellants	:	None.
For Respondent/State	:	Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

21/05/2020

1. By the impugned judgment dated 25/02/2002 passed in Special S.T. No. 54/2000 by the learned Special Judge (Atrocities), Raipur, District Raipur (C.G.), the Appellants have been convicted for the offence punishable under Section 376(2)(g) of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 10 years, and to pay fine of Rs. 5,000/- each, with default stipulation.
2. According to the prosecution story, prosecutrix (PW-1) is a married lady. On 06.02.2000, she lodged an FIR alleging therein that on 05.02.2000 at around 6:30 to 7:00 PM when she was returning from the field, on the way, the appellants committed forcible sexual intercourse with her thereby they committed gang rape with her. After the incident, she narrated the whole story to her husband and other

villagers. On the basis of said FIR (Ex.P-1), offence has been registered. The prosecutrix was medically examined by Dr. Alka Pardal (PW-9). Later on statement of the prosecutrix and other witnesses were recorded under Section 161 of Cr.P.C. After completion of investigation, charge-sheet has been filed against the appellants. Trial Court framed charge against them under Section 376(2)(g) of the Indian Penal Code. To prove the guilt of the Appellants, the prosecution examined as many as 12 witnesses. No defence witness has been examined. Statement of the Appellants under Section 313 of the Cr.P.C. were recorded, wherein they have pleaded innocence and false implication in the matter.

3. After trial, the trial Court has convicted and sentenced the appellants as mentioned in first paragraph of this judgment. Hence, this appeal.
4. No one appears for the Appellants. However, I proceed to decide the appeal on merits.
5. I have heard Learned Counsel appearing for the State and perused the record with due care to assess the correctness of the impugned judgment of conviction.
6. In the statement of prosecutrix (PW-1), she has deposed that on the date of incident, when she was returning from the field at that time both the appellants came there and they committed forcible sexual intercourse with her one by one. This witness has remained firm during her cross-examination. There is nothing on record on the basis of which it could be said that there was any previous enmity between the parties and, therefore, the prosecutrix made a false report against the

appellants. After the incident, the prosecutrix (PW-1) narrated the whole story to her husband Samaru Satnami (PW-2) who has also corroborated her statement. Though the FIR was lodged next day of the incident, the delay has duly been explained by the prosecution. Dr. Alka Pardal (PW-9), after examination of the prosecutrix, has found that marks of nails were present over the neck of the prosecutrix which were sustained by the prosecutrix within 24 hours of the examination.

7. From the evidence available on record, It is well established that the appellants have committed crime in question. There is sufficient evidence available on record against the appellants and the crime in question has duly been proved by the prosecution. Thus, the Trial Court has rightly convicted the appellants. I find no merit in this appeal. It is liable to be dismissed.
8. Consequently, the appeal is dismissed. It is reported that both the appellants have completed their jail sentence in this case. Therefore, if they are not required in any other case, they be set at liberty forthwith.

Sd/-

(Arvind Singh Chandel)
Judge