

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 19 of 2008

Munna alias Santosh Sondhia S/o Panchamlal Sondhia, aged about 27 years,
Village Dubatia, Police Station Pendra, Tahsil Pendra, District Bilaspur (C.G.).

---- Appellant

Versus

State of Chhattisgarh through Police Station Pendra Road, District Bilaspur
(C.G.).

---- Respondent

For Appellant	:	None
For Respondent	:	Mr. Alok Nigam, Govt. Advocater

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

09/01/2020

1. By the impugned judgment dated 19/11/2007 passed in Sessions Trial No. 37/2007 by the Special Judge, Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989, Bilaspur (C.G.), the Appellant has been convicted under Section 376 (2) (g) of the IPC and sentenced to undergo RI for 10 years and to pay fine of Rs. 500/- with default stipulation.
2. Facts of the case are that on 15/04/2007, the Appellant along with co-accused Kanthu @ Matendra committed gang rape with the Prosecutrix (PW12) in the hotel of the Appellant after giving her intoxicated drink. On the basis of said background, offence under Section 376 (2) (g) of the IPC and Section 3(2) (5) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 (henceforth 'the Act') has been registered. After completion of

investigation, a charge-sheet has been filed. Trial Court framed the charges under Section 376 (2)(g) of the IPC and Section 3 (2) (5) of the Act. As many as 12 prosecution witnesses have been examined. Statement of the Appellant under Section 313 of the Cr.P.C has been recorded, wherein he has pleaded his innocence and false implication in the matter. Two defence witnesses have been examined.

3. After trial, the trial Court has convicted and sentenced the Appellant as mentioned in paragraph one of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Bilaspur would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released 06/12/2014.
5. Since no one appears on behalf of the Appellant, therefore, I am going to decide this appeal on its merit.
6. I have heard Learned Counsel appearing for the State and perused the record.
7. In her Court statement, the Prosecutrix (PW12) deposed that on the date of incident, she was waiting for a bus. At that time, co-accused kanthu met her and told that he will drop her at her village. She was thirsty, therefore, she went to the hotel of the Appellant. The Appellant and co-accused were taking cold drink and they offered the cold drink to her. After consuming cold drink, she was not able to walk as some drugs was mixed in the cold drink. She further deposed that both the accused have taken her in a room of the hotel and committed rape with her one by one. Thereafter, from the back side window of the room, they got out her from the room. All the people gathered there

and one of them called the police. She made a report. Though, lengthy cross-examination was conducted, this witness has remained firm during her cross-examination. Her statement is dully corroborated by Ram Ji (PW1) and Santosh Kumar (PW4). Both have stated that they found the Prosecutrix in weeping condition and there were crowd all around. The Prosecutrix told them, the Appellant and co-accused Kanthu raped with her. Mushphool Bai (PW7) and Geeta (PW8), mother of the Prosecutrix have also stated that after the incident, the Prosecutrix narrated the entire incident to them. Dr. Smt. J.S. Lakda (PW5) has examined the Prosecutrix. She found that there was pain in the private part of the Prosecutrix. Hymen was ruptured. There were abrasions and swelling around the private part of the Prosecutrix. From the above, it is established that forcible intercourse was conducted with the Prosecutrix.

8. From the entire evidence available on record, it is established that the Appellant along with co-accused Kanthu has committed gang rape with the Prosecutrix, thus, the trial Court has rightly convicted and sentenced the Appellant.
9. Consequently, I do not find any merit in this appeal. The same is dismissed.

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