

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 596 of 2002

1. Parturam S/o Dashrath, aged about 30 years, Driver Mazha Para, Bastar, P.S. Jagdalpur
2. Sukhram S/o Saleem Matra, aged about 24 years, Driver, Mazha Para, Bastar, P.S. Jagdalpur

---- Appellants

Versus

State of Chhattisgarh

---- Respondent

For Appellant	:	None
For Respondent	:	Mr. Ajay Kumbrani, PL

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

03/02/2020

1. It is reported vide letter dated 27/07/2018 that Appellant No. 2 Sukhram has died on 20/03/2017. Since Appellant No. 2 Sukh Ram has died and no one appears on behalf of him, therefore, this appeal is abated on his behalf.
2. By the impugned judgment dated 06/04/2002 passed in Sessions Trial No. 382/2001 by the Special Judge, Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989, Bastar at Jagdalpur (C.G.), Appellant No. 1 Parturam has been convicted under Sections 366, 506-B and 354 of the IPC and sentenced to undergo RI for 5 years with fine of Rs. 1000/-, RI for 1 year with fine of Rs. 500/- and RI for 2 years with fine of Rs. 2000/-, respectively, with default stipulations.
3. Facts of the case are that on 06/06/2001, the Prosecutrix a minor girl

returning from her maternal grand-father house along with her maternal uncle. It is alleged that both the Appellants met them on the way. They were in a jeep which was being driven by Appellant Sukhram. They offered to lift them and to drop at their house. On the way, they stopped the Jeep and told the maternal uncle of the Prosecutrix to drop a Dabba at Dabha. When, the maternal uncle of the Prosecutrix went to drop the Dabba then the Appellants fled away from there along with the Prosecutrix. The Prosecutrix protested to that, but the Appellants threatened her to kill. It is alleged that on the way they stopped the vehicle in forest, where Appellant Parturam proposed her and press her breast. On being cry, the Appellants returned from there and left the Prosecutrix on the way. On these backgrounds, offence has been registered. After completion of investigation, a charge-sheet has been filed. Trial Court framed the charges. 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.

4. After trial, the trial Court has convicted and sentenced the Appellant as mentioned in paragraph one of this judgment. Hence, this appeal.
5. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Jagdalpur would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released 11/01/2005.
6. Since no one appears on behalf of the Appellant, therefore, I am going to decide this appeal on its merit.
7. I have heard Learned Counsel appearing for the State and perused the

record.

8. The Prosecutrix (PW2) in her court statement has deposed according to the case of the prosecution. She remained firm during her cross-examination. Her statement is duly corroborated by her maternal uncle Soman (PW3) who also deposed as stated by the Prosecutrix. This witness has also remained firm during his cross-examination. Dr. Smt. A. Kachhya (PW1) has medically examined the Prosecutrix. Her report is Ex.P-1. On examination, it was found by her that one abrasion was there on right breast of the Prosecutrix and three small abrasions were in left hand wrist. Apart from this, there is nothing on record, on the basis of which it can be said that there was previous enmity between the Prosecutrix and Appellant No.1. Therefore, there is no possibility to implicate him falsely. Thus, the trial Court has rightly convicted and sentenced the Appellants.
9. Consequently, I do not find any merit in this appeal. The same is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge