

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 209 of 2012**

Karamjit Yadav S/o Bandhu Yadav, aged about 20 years, Occupation: Labour, R/o Village Luikona Path, Police Station: Jashpur, Tahsil & District: Jashpur, Chhattisgarh.

---- Appellant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station: Jashpur, District: Jashpur, Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board**

14.12.2020

1. This appeal has been preferred against the judgment dated 02.02.2012 passed in Sessions Trial No.12/2011 by the learned Sessions Judge, Session Division, Jashpur, District: Jashpur (C.G.) wherein, the Appellant has been convicted as mentioned below:

Conviction	Sentence	In Default
U/s 363 of IPC	RI for 03 years and a fine of Rs.1,000/-.	In default of payment of fine amount additional RI for 01 month.
U/s 376 (1) of IPC	RI for 10 years and a fine of Rs.1,000/-.	In default of payment of fine amount additional RI for 03 months.
U/s 341 of IPC	RI for 15 days.	
All the above sentences are directed to run con-concurrently.		

2. In this case, at the relevant time, the age of the prosecutrix/victim girl was about 13 years. According to the case of prosecution, on 01.09.2010, at around 02:00 P.M. when the prosecutrix was returning from Kesra Society, the present Appellant attacked the prosecutrix on her way, he caught hold her hands, also closed her mouth and taken her at forest and there he committed sexual intercourse with her, thereafter, the Appellant ran away from the spot. On 02.09.2010, when the prosecutrix came her house, she told about the incident to her father and mother and thereafter matter was reported to the concerned Police Station. Prosecutrix was medically examined vide Exhibit P-13. After completion of investigation, charge sheet was filed by the police. Trial Court framed the charges. To robe the Appellant, the prosecution has examined as many as total 12 witnesses. In the statement recorded under Section 313 of Cr.P.C, Appellant abjured the guilt and pleaded his innocence and false implication in the matter. No defence witness has been examined. After completion of trial, Trial Court convicted the Appellant and sentenced him as mentioned in Para 01 of this judgment. Hence, this appeal.
3. It is reported vide jail report that the Appellant has been released from jail on 02.02.2018 after completion of his entire jail sentence imposed upon him by the concerned Trial Court.
4. Since, no one appears on behalf of the Appellant, therefore, to find out correctness of the judgment, I am going to decide this appeal on its merits.
5. On the contrary, learned State Counsel opposed the prayer and supported the impugned judgment.

6. I have heard learned counsel appearing on behalf of the State and perused the record minutely.
7. Prosecutrix, PW-01, stated according to the case of prosecution. Her statements were duly corroborated by Devnarayan Yadav (PW-03). According to the statements of parents of the prosecutrix, the prosecutrix told everything about the incident to her parents after returning home. According to the medical report, redness was found on the vagina of the prosecutrix. Though, some contradictions and omissions occurred on their statements but they are not material.
8. On minute examination of above evidence, it is clear that at the time of incident, the prosecutrix was below 18 years of age, she categorically deposed the incident against the Appellant and her statements were duly corroborated. From perusal of medical report, it also appears that redness was found on her vagina. Looking to the entire evidence available on record, in my considered opinion, the learned Trial Court has rightly convicted the Appellant. Consequently, I do not find any merit in this appeal.
9. Accordingly, the Appeal is dismissed.
10. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-

(Arvind Singh Chandel)
Judge