

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 783 of 2010

Sube Singh S/o Jugal Singh Jatt, aged about 56 years, R/o Darvanbas, P.S. Kerugaon, District- Bhiwani (Haryana), at present R/o Pasan (Khalpara), P.S- Pasan, District-Korba (C.G.)

---- Appellant

Versus

State of Chhattisgarh through Police Station: Pasan, District: Korba (C.G.)

---- Respondent

For Appellant	:	None.
For Respondent	:	Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

22/01/2020

1. By the impugned judgment dated 08.09.2010 passed in Special Session Case No. 02/2007 by the Special Sessions Judge (Atrocities) Korba (C.G.) the Appellant has been convicted under Section 376 (2) (f) of IPC and sentenced to undergo RI for 10 years with a fine of Rs.10,000/- with default stipulation.
2. In this case, at the relevant time, the age of the victim girl was about 01 year 06 months. According to the case of prosecution, on 25.11.2006, the Appellant took the victim girl along with her to give her sweets and after some time when the Appellant came back, he dropped the victim in her home. Thereafter when the mother of the victim took the victim in her in hands, she saw that her private part (vagina) was ruptured and was bleeding. On the basis of said, offence was registered. Victim girl was medically examined by Dr. K.B Sonkar

(PW-10) her report is Exhibit P-5. It was found by her that victim girl's hymen was ruptured and there was redness and swelling in her vagina. It was opined by the Doctor that the redness and swelling is because of the sexual intercourse committed with her. Statements of witnesses were recorded and after completion of investigation, charge sheet was filed and Trial Court framed the charges under Section 376 (2) of IPC. To robe the Appellant, prosecution examined as many as total 17 witnesses. Statement of the Appellant under Section 313 was also recorded, wherein he has pleaded his innocence and false implication in the matter. No defence witness has been examined. After completion of Trial, the Trial Court acquitted the Appellant from the charges under Section 3 (2) (v) of the SC & ST (Prevention of Atrocities Act, 1989) and convicted and sentenced the Appellant as mentioned in Para 01 of this judgment. Hence, this appeal.

3. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Bilaspur (C.G.) would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released on 11.06.2015.
4. Since no one appears on behalf of the Appellant, therefore, I am going to decide this appeal on its merit.
5. I have heard Learned Counsel appearing for the State and perused the record.
6. In her Court statement mother of the victim girl namely Kela Bai (PW-01) has categorically stated that the Appellant came to her house at around 08:00 A.M. and took the victim girl along with him to give her sweets and when he came back he dropped the girl at her home and

when she took her in her hands, she saw blood on her private part (vagina), her statement were corroborated by Santosh Kumar Dhanuهار (PW-02) who is the father of the victim girl. Ram Prasad (PW-05), Shyamwati (PW-06), Beeran Singh (PW-09) were remained firm during their cross-examination. From the statement of Doctor K.B Sonkar (PW-10) and medical report of the victim girl Exhibit P-5, it is well established that sexual intercourse occurred with the victim girl, thus, from the entire material evidence available on record, the case of the prosecution is duly proved, therefore, Trial Court has rightly convicted and sentenced to him.

7. Consequently, I do not find any merit in this appeal. Accordingly, the same is dismissed.

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