

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1122 of 2014**

Dileshwar Prasad @ Bosa S/o Shiv Dayal Miri Aged About 20 Years
R/o Village Parsadih, PS- Bilaigarh, Civil And Rev. Distt. Baloda
Bazar/Bhatapara, Chhattisgarh.

---- Appellant**Versus**

State Of Chhattisgarh Through SHO, PS: Bilaigarh, Distt. Baloda
Bazar – Bhatapara, Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board****04.08.2020**

1. The matter is heard through Video Conferencing.
2. This appeal has been preferred against the judgment dated 28.08.2014 passed in Sessions Trial No.29/2013 by the learned Special Judge (POCSO Act), Balodabazar, District: Balodabazar (C.G.) wherein, the Appellant has been convicted as mentioned below:

Conviction	Sentence	In Default
U/s 376 of IPC	RI for 07 years and a fine of Rs.1,000/-.	In default of payment of fine amount additional RI for 03 months.
U/s 363 of IPC	RI for 03 years and a fine of Rs.500/-.	In default of payment of fine amount additional RI for two months.
U/s 366 of IPC	RI for 05 years and a fine of Rs.1,000/-.	In default of payment of fine amount additional RI for three months.

U/s 506-B of IPC	RI for 01 year and a fine of Rs.200/-.	In default of payment of fine amount additional RI for 15 days.
U/s 04 of POCSO Act, 2012	RI for 07 years and a fine of Rs.1,000/-.	In default of payment of fine amount additional RI for three months.
All the above sentences were directed to run concurrently.		

3. In this case, the prosecutrix/victim girl is aged about 14 years.

According to the case of prosecution, on 14.12.2012, at around 08:00 P.M. the prosecutrix along with her mother had gone to watch some program. At around 12:00 A.M. at night, when she went to attend call of nature, the present Appellant came there and forcibly took the prosecutrix to his house and there he committed forcible sexual intercourse with her. After the whole incident, the prosecutrix told everything to her mother and thereafter matter was reported to the concerned Police Station. Prosecutrix was medically examined vide Exhibit P-15. 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 08 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.

4. It is reported vide jail report that the Appellant has been released from jail on 28.02.2019 after completion of his entire jail sentence imposed upon him by the concerned Trial Court.

5. 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.
6. On the contrary, learned State Counsel opposed the prayer and supported the impugned judgment.
7. I have heard learned counsel appearing on behalf of the State and perused the record minutely.
8. Ku. Sima, prosecutrix, PW-01, stated according to the case of prosecution. Her statements were duly corroborated by her mother and father namely Itwara Bai (PW-02) & Jairam (PW-03) respectively. Though, some contradictions and omissions occurred on their statements but both of them remained firm during their cross examinations. From the medical report of the prosecutrix given by Dr. Pramila Toppo (PW-08), she also duly corroborated the statements of prosecutrix. Her report is Exhibit P-15.
9. On minute examination of above evidence and considering the entire medical 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.
10. Accordingly, the Appeal is dismissed.
11. 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