

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1211 of 2014

Banshi Lal Sarthi S/o Late Jaitram Sarthi Aged About 20 Years R/o Village Gopalpur Darri, Distt. Korba C.G.

---- Appellant

Versus

State Of Chhattisgarh Through P.S. Darri Distt. Korba C.G.

---- Respondent

For Appellant	:	None.
For Respondent/State	:	Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

22/05/2020

1. By the impugned judgment dated 27/09/2014 passed in Special Criminal Case No. 2/2013 passed by the learned Additional Session's Judge (FTC), Korba, District Korba (C.G.), the Appellant has been convicted for the offence punishable under Sections 376/511 & 506(B) of the Indian Penal Code and Section 10 of the POCSO Act and sentenced to undergo rigorous imprisonment for 5 years, RI for 2 years and RI for 7 years and to pay fine of Rs. 2,000/-, 1,000/- & 3,000/- respectively, with default stipulations.
2. According to the prosecution story, prosecutrix (PW-1) is a girl, at the time of incident she was aged about 9 years. On 27.07.2013, when prosecutrix went to attend the call of nature towards field after returning from there she disclosed the fact that one boy came to her

took her from another place and tried to commit rape on her and when she screamed, he fled away from the spot. On the basis of said information, FIR has been lodged by mother of the prosecutrix namely Malti (PW-3). It is further the case of prosecution that after 1-2 days of recording the FIR, the prosecutrix saw the appellant near a shop and she told to another witnesses that the appellant is the person who committed crime in question with her. After completion of investigation, charge-sheet has been filed. Trial Court has framed the charges under Sections 376/511 & 506(B) of the Indian Penal Code and Section 10 of the POCSO Act. To prove the guilt of the appellant, the prosecution has examined as many as 9 witnesses. No defense witness has been examined. Statement of the Appellant under Section 313 of the Cr.P.C. was recorded, wherein he has pleaded his innocence and false implication in the matter.

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 District 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 18.07.2019.
5. Since no one appears for the appellant today, I decide this appeal on merits.
6. I have heard Learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.

7. Prosecutrix (PW-1) in her Court statement categorically stated that at the time of incident when she went towards field to attend the call of nature at that time the appellant came there and tried to commit rape upon her. Immediately after the incident, she disclosed this fact to her mother and grand mother. There is nothing on record on the basis of which it can be said that any false and fabricated story narrated by the prosecutrix. The prosecutrix has duly identified the appellant and at the time of recording the statement also, she identified the appellant.
8. From the evidence, it is well established that at the time of incident, the prosecutrix was aged about 9 years. There is sufficient evidence available on record against the appellant and the crime has duly proved against him. Thus, the learned trial Court has rightly convicted the appellant.
9. Consequently, the appeal has no merit and the same is liable to be and is hereby dismissed.

Sd/-
(Arvind Singh Chandel)
Judge