

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 809 of 2016

1. Tilakram Chouhan S/o Tularam Chouhan, aged about 37 years,
 2. Laxmi Bai W/o Tikaram Chouhan, aged about 30 years,
- Both are R/o Village Lipti, P.S. Kapu, Distt. Raigarh (C.G.).

---- Appellants

Versus

State of Chhattisgarh through D.M. Raigarh (C.G.)

---- Respondent

For Appellants	:	Mr. V.K. Pandey, Advocate
For Respondent	:	Mr. Ghanshyam Patel, Govt. Adv.

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

26/06/2020

1. The matter is heard through video conferencing.
2. By the impugned judgment dated 29/04/2016 passed in S.T. No. 328/2013 by the Additional Sessions Judge (FTC), Surguja at Ambikapur (C.G.), the appellants have been convicted under Sections 363, 366, 342/34, 367/34, 370/34 & 374/34 and sentenced to undergo RI for 4 years with fine 1000/-, RI for 7 years with fine 1000/-, RI for 1 year with fine 1000/- RI for 7 year with fine 1000/-, RI for 4 years with fine 1000/- and RI for 1 year with fine 1000/-, respectively, with default stipulations.
3. Facts of the case are that on 04/01/2013, the Prosecutrix after taking Rs. 200/- from her mother, went to the shop for purchasing oil and other things, where appellant No. 1 whom she told as maternal grand-

father, met her. He took her to his house, where appellant No. 2 told the Prosecutrix that there is need of a person to take care the child at Delhi for which she was offered Rs. 4500/- as salary. Saying all this, they kept her at their house. Thereafter, they forcibly took the Prosecutrix to Raigarh and from Raigarh to Delhi. In Delhi they took her to a placement agency and she was placed in the house of Giresh Sardar for house work. When the parents of the Prosecutrix came to know this fact, they put pressure on the appellants to bring back the Prosecutrix. On 20/06/2013, the appellants and the parents of the Prosecutrix went to Delhi and bring back the Prosecutrix. Thereafter, the matter was reported on 23/06/2013. Later on, statements of the Prosecutrix and other witnesses were recorded under Section 161 of the Cr.P.C. After completion of investigation, a charge-sheet was filed. Trial Court framed the charges.

4. After completion of trial, the trial Court has convicted and sentenced the appellants as mentioned in paragraph one of this judgment. Hence, this appeal.
5. A report received from Superintendent of Jail, Ambikapur, District Surguja would mention that appellants have already been released on 05/07/2019 and 31/10/2019, respectively after completing the entire jail sentence imposed upon the appellants.
6. Counsel for the appellants has submitted that the trial Court has wrongly convicted the appellants without there being any evidence available on record. There are material contradictions and omissions occurred in the statement of the witnesses. The finding of the trial Court is contrary to the evidence adduced by the Prosecution.

7. Counsel appearing on behalf of the State supported the judgment of the trial Court.
8. Heard counsel for the parties and perused the record.
9. I have gone through the entire evidence led by the prosecution. The Prosecutrix (PW1) in his Court statement has supported the entire case of the prosecution. Her statement is duly corroborated by her mother Vimla Bai (PW2). Both the witnesses have remained firm during their cross-examination. From the evidence adduced by the prosecution, it is also established that at the time of incident, the Prosecutrix was below 18 years.
10. Considering the entire evidence available on record, in my considered view, the trial Court has rightly convicted the Appellant which does not require any interference.
11. Consequently, I do not find any merit in this appeal. The same is dismissed.

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