

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1294 of 2017

Naresh Satnami S/o Dayaram Satnami, Aged about 40 years R/o Village Sukuldaihan; Police Station Lalbag; District Rajnandgaon (C.G.).

---- Appellant

Versus

State of Chhattisgarh through District Magistrate Rajnandgaon; District (Revenue & Civil)- Rajnandgaon (C.G.)

---- Respondent

For Appellant	:	Mr. Vineet Kumar Pandey, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Adv.

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

04/08/2020

1. The matter is heard through video conferencing.
2. By the impugned judgment dated 20/07/2017 passed in Special Session Trial No. 24/2016 by the Additional Sessions Judge (FTC), Rajnandgaon (C.G.), whereby the appellant has been convicted under Sections 354 & 323 of the IPC and Section 8 of the POCSO Act and sentenced to undergo RI for 3 years with fine of Rs. 1000, RI for 6 years with fine of Rs. 1000/- and RI for 4 years with fine of Rs. 3000/-, respectively, with default stipulations.
3. Facts of the case are that the age of the Victim/Prosecutrix was about 5 years at the relevant time. On 18/10/2015, father of the Victim girl namely Mukesh Kumar Dewangan (PW2) had taken the Victim and one other girl along with him to Durga Pandal. On the way, the appellant met them and he started to play with the girl, then Mukesh

Kumar Dewangan (PW2) had gone to Shiv Mandir. After some time, he returned and saw the Victim girl was not there. After one hour, the appellant left the Victim/Prosecutrix near the Pandal. On the next day, the Victim girl told her grand mother that the appellant had taken her towards the field and he removed her underwear and pressed her breast. On being cry, the appellant beaten her and left her near the Pandal. On the basis of report made by Meena Bai (PW3), FIR has been registered vide Ex.P-3. Statements of the Victim girl as well as 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 appellant as mentioned in paragraph one of this judgment. Hence, this appeal.
5. A report received from Superintendent of Jail, Durg, District Durg would mention that the appellant has already been released on 21/10/2019 after completing the entire jail sentence imposed upon the appellant.
6. Counsel for the appellant has submitted that the trial Court has wrongly convicted the Appellant 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 and other documents relied by the prosecution. From the entire evidence available on record, it is well established that the age of the Victim was about 5 years 3 months at the relevant time. The Victim (PW4) has fully supported the case of the prosecution. Her statement is duly corroborated by her father Mukesh Dewangan (PW2) and her grand mother Meena Bai (PW3). The above witnesses have remained firm during their cross-examination. Their statements are fully reliable, therefore, the trial Court has rightly convicted the appellant which does not require any interference.
10. Consequently, I do not find any merit in this appeal. The same is dismissed.

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