

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1507 of 2017

Rohit Kumar @ Ballu S/o Lala Ram Sande, aged about 20 years R/o Damiyapali, Police Station Ratanpur, presently residing at Sai Mandir, Jabdapara, Police station Sarkanda, Bilaspur, District Bilaspur (C.G.).

---- Appellant

Versus

State of Chhattisgarh through Station House Officer, Police of Police Station Sarkanda, District Bilaspur (C.G.)

---- Respondent

For Appellant : Mr. C.P. Lahrey, Advocate
For Respondent : Mr. Alok Nigam, 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 04/08/2017 passed in Special S.T. No. 529/2016 by the Additional Sessions Judge, (FTC), Bilaspur (C.G.), whereby the appellant has been convicted under Section 354 of the Indian Penal Code and Section 12 of the POCSO Act and sentenced to undergo RI for three years with fine of Rs. 1000/- with default stipulation.
3. Facts of the case are that the age of the Prosecutrix was about 14 years at the time of incident. According to the case of the prosecution, on 07/11/2016 at about 11:40 am, the appellant with an intention to outrage the modesty of the Prosecutrix, followed her and used filthy language. He also threatened to kill and threw a stone. It is further

case of the prosecution that some students and Principal of the school flee the appellant from there. Thereafter, the matter was reported by the Prosecutrix. 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 appellant as mentioned in paragraph one of this judgment. Hence, this appeal.
5. A report received from Superintendent of Jail, Bilaspur, District Bilaspur would mention that the appellant has already been released on 23/07/2019 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. In her Court statement, the Prosecutrix (PW1) has supported the entire case of the prosecution. She remained firm during her cross-examination. Her statement is duly corroborated by Ku. Aditi Shukla (PW2). Though some contradictions and omissions occurred in their statements, they

are not important.

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**

Rahul