

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 3299 of 1999

- Panchram Vishwakarama, Aged about 39 years Son of Dayaram Vishwakarma Resident of Village : Pachpedi, Police-Post : Bhakara District : Dhamtari, M.P. (Now Chhattisgarh).

---- Appellant

Versus

- State of M.P. (now Chhattisgarh) Through : Police-Post : Bhakara, District – Dhamtari, M.P. (Now Chhattisgarh).

---- Respondent

For Appellant	:	None
For State/Respondent	:	Smt. Dipti Shukla, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

15/02/2021

1. This appeal has been preferred against the impugned judgment dated 30/10/1999 passed in S.T. No.282/99 by the Additional Sessions Judge, Dhamtari, M.P. (now Chhattisgarh) wherein appellant has been convicted and sentenced as under :

<u>Conviction</u>	<u>Sentence</u>
U/s 376 (1) of the I.P.C.	R.I. for 7 years.

2. According to the case of the prosecution, age of the prosecutrix (PW-1) at the relevant time was about 14 years. On the date of incident, when prosecutrix was in her house alongwith her younger brother Gokaran (PW-3), at that time, appellant entered into her house, caught her and dragged her inside a room and committed forcible sexual intercourse with her. When father of the prosecutrix returned from other village, she narrated the whole story. Thereafter, matter was reported by father of the prosecutrix namely Darshan (PW-2). Statement of the witnesses were recorded under Section 161 of Cr.P.C. After completion of the investigation, a charge-sheet was filed. To prove the guilt of the accused/appellant, prosecution has examined as many as 15 witnesses. No defence witness has been examined. Statement of appellant under Section 313 of the Cr.P.C. was recorded, wherein accused/appellant has pleaded his innocence and false implication in the matter.
3. After completion of trial, the trial Court has convicted and sentenced the appellant as mentioned in paragraph 1 of this judgment. Hence, this appeal.
4. Vide PUD received from Jail Superintendent, Central Jail, Raipur, (C.G.) dated 29/09/2020, it has been reported that appellant has undergone the entire jail sentence imposed upon him by the trial Court and already released on 31/08/2004.
5. No one appears on behalf of appellant today. Finding the correctness of judgment of the trial Court, I decide this appeal on merits.
6. I have heard learned Counsel appearing for the State, perused the

record and statement of witnesses to assess the correctness of the impugned judgment of conviction.

7. Prosecutrix (PW-1) in her Court statement has supported the entire case of the prosecution. She has categorically stated that on the date of incident, she was inside her house alongwith her younger brother and at that time, appellant entered in her house and committed forcible sexual intercourse with her. She remained firm during her cross-examination. Statement of the prosecutrix (PW-1) was duly corroborated by her brother Gokaran (PW-3). Immediately, after the incident, prosecutrix narrated the story to her father Darshan (PW-2). He has also supported the entire case of the prosecution. From the evidence adduced by the prosecution, it is well-established that at the time of alleged incident, age of the prosecutrix was below 16 years.
8. On a minute examination of the evidence on record, it is clear that there is sufficient evidence against the appellant to hold him guilty. In my considered view, the trial Court has rightly convicted the appellant.
9. Consequently, the appeal has no merit and is, therefore, dismissed.

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