

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CRA No. 319 of 2005

Mant Ram Jangde S/o Jhumuklal, Aged About 18 Years, Labourer R/o
Village Bharuwadih, Police Station Pallari, District Raipur Chhattisgarh

---- Appellant

Versus

State of Chhattisgarh Through Police Station Pallari, Collector Raipur
District Raipur Chhattisgarh

---- Respondent

For Appellant	:Mr. Harishankar Patel, Advocate.
For State/Respondent	:Ms. Deepti Shukla, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

11.02.2021

1. This appeal has been preferred against the judgment dated 31.03.2005 passed in Sessions Trial No.221/2004 by the learned Second Additional Sessions Judge, Baloda Bazar(C.G.) wherein, the Appellant has been convicted for the offence punishable under Section 363 of the IPC and sentenced to undergo R.I. for 02 years and to pay fine of Rs.500/-, with default stipulation.
2. According to the case of prosecution, on 25.03.2004, father of prosecutrix lodged a missing report of his minor daughter who left her house in the intervening night of 24.03.2004 to 25.03.2004. After four days, the prosecutrix was recovered.

During course of inquiry, her statement was recorded. It is a further case of prosecution that on 24.03.2004, Appellant Mant Ram Jangde by allured the prosecutrix, taken her to Bhilai (C.G.) and stayed with her in a rented house, wherein, the Appellant committed sexual intercourse with her. Thereafter, Statement of the prosecutrix and other witnesses were recorded. After completion of investigation, charge-sheet was filed by the Police. Trial Court framed the charges against the Appellant and co-accused Sukul Jangde. After completion of trial, the Trial Court acquitted the co-accused from all the charges and the Appellant was also acquitted from the charges i.e. Sections 366 & 376 of the IPC. The Appellant has only been convicted for the offence punishable under Section 363 of the IPC. To robe the Appellant in the crime-in-question, the prosecution has examined as many as 15 witnesses. In the statement of Appellant recorded under Section 313 of Cr.P.C, he has pleaded his innocence and false implication in the matter, however no defence witness was examined by the Appellant. After completion of trial, Trial Court convicted and sentenced the Appellant as mentioned in Para 01 of this judgment. Hence, this appeal.

3. Learned Counsel appearing for the Appellant submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. He further submits that out of 02 years of jail sentence the Appellant has undergone

about one year, he has no criminal antecedent and he is facing the *lis* since 2005, i.e. for about 16 years. Therefore, the jail sentence awarded to the Appellant may be reduced to the period already undergone by him.

4. On the contrary, learned State Counsel opposed the appeal and supported the impugned judgment.
5. I have heard learned counsel appearing on behalf of the parties and perused the record minutely.
6. Considering the above facts and circumstances of the case, particularly considering that out of total jail sentence of 02 years, the Appellant has undergone about 1 year, he is facing the *lis* since 2005 and there is no criminal antecedent against him, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Appellant, the jail sentence awarded to him is reduced to the period already undergone by him.
7. Consequently, the appeal is partly allowed. The conviction of the Appellant under the aforementioned section is affirmed and he is sentenced to the period already undergone by him. The fine sentence is affirmed.
8. It is reported that the Appellant is on bail. His bail bond is not discharged at this stage and the same shall remain operative for a further period of six months in light of Section 437-A of

the Cr.P.C.

9. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge