

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 1744 of 2017

- Sadhram Sahu, S/o Bharat Sahu, Aged About 36 Years, R/o Bajrang Chowk Bhatgaon, Police Chowki Bhatgaon, Police Station Bilaigarh, District Baloda Bazar – Bhatapara, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bilaigarh, District Baloda Bazar – Bhatapara, Chhattisgarh.

---- Respondent

For Appellant	:	None.
For State/Respondent	:	Shri Ravi Maheshwari, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

27/08/2021

1. This appeal has been preferred against the impugned judgment dated 29/06/2017 passed in S.T. No.19/2017 by the 3rd Additional Sessions Judge, Balodabazaar, District – Balodabazaar-Bhatapara, (C.G.) wherein appellant has been convicted and sentenced as under :

<u>Conviction</u>	<u>Sentence</u>
U/s 436 of the I.P.C.	R.I. for 5 years and fine of Rs.1,000/- with default stipulations.

2. According to case of the prosecution, appellant used to quarrel with his family members. Due to which parents of the appellant and other family members had left the house and had gone to some other place. On the date of incident i.e. 22.12.2016, at night, complainant Bihari Sahu (PW-2) did not come to his house and slept in his work place. Allegedly, appellant set fire in his house due to which loss of property amounting Rs.1,50,000/- to Rs.2,00,000/- occurred. Thereafter, report was lodged by Bihari Sahu and on the basis of the said, offence has been registered. 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 7 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 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. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Raipur, (C.G.) would mention that the sentence of appellant has been remitted and completed on 31.12.2020 in present case, and he is undergoing jail sentence in one other case.
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. Complainant namely Bihari Sahu (PW-2), Naresh Kumar (PW-3), Laxmi Satnami (PW-4) and Manda Ratre (PW-5) have supported the entire case of prosecution and deposed accordingly. They have categorically stated that at the time of incident, the house in which appellant used to live was set on fire. Statements of above witnesses were not rebutted during their cross-examination. Laxmi Satnami (PW-4) and Manda Ratre (PW-5) have categorically stated that at the time of alleged incident, they saw appellant fleeing away from the spot. The above statements of these witnesses were also not rebutted during their cross-examination.
8. On a minute examination of the evidence adduced by the prosecution and on the basis of un-rebutted statements of Laxmi Satnami (PW-4) and Manda Ratre (PW-5), it is clear that there are 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.
10. 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