

HIGH COURT OF CHHATTISGARH, BILASPUR
CRA No. 1013 of 2015

- Rajendra Meshram S/o Late Ramprasad Meshram Aged About 38 Years
R/o Goutam Nagar, Bajpai Ward, Gondia, Police Station - City Kotwali, At
Present Udiya Basti, Khursul, District Durg Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through Station House Office, Police Station -
Pulgaon, District Durg Chhattisgarh

---- Respondent

For Appellant	:	Mr. Basant Dewangan, Advocate.
For Respondent/State	:	Mr. Priyanshu Gupta, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

02/02/2021

1. By the impugned judgment dated 07/07/2015 passed in S.T. No. 77/2013 by learned Additional Sessions Judge(FTC), Durg (C.G.), the Appellant has been convicted for the offence punishable under Sections 376(6) & 506 Part-2 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 10 years and to pay fine of Rs. 5,000/- and rigorous imprisonment for 1 year and to pay fine of Rs. 1,000/-, respectively with default stipulations. All the sentences to run concurrently.
2. In this case, the prosecutrix is a real daughter of the Appellant. Her date of birth is 13.10.1999. On 16.11.2012, the prosecutrix (PW-5) lodged a report against the Appellant alleging therein that from the month of August 2012, the Appellant committing forceful sexual

intercourse with her and on 12.11.2012 also, at about 10 PM when her mother was sleeping, the Appellant again did forceful sexual intercourse with her and threatened her for life by saying that not to disclose the incident to anyone. On the basis of said report, FIR has been registered. The prosecutrix was medically examined by Dr. Kalpana Sharma (PW-7) Statement of complainant and other witnesses recorded under Section 161 of Cr.P.C. After completion of investigation, charge-sheet has been filed against the Appellant. To prove the guilt of the Appellant, the prosecution has examined as many as 8 witnesses. No defense witness has been examined. Statement of the Appellant under Section 313 of the Cr.P.C. was recorded, wherein he has pleaded his innocence and false implication in the matter.

3. After trial, the trial Court has convicted and sentenced the Appellant as mentioned in paragraph one of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Durg (C.G.) would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released on 16.01.2021.
5. Learned Counsel for the Appellant submits that without being any clinching evidence available on record, the Trial Court has convicted the Appellant. He further submits that there are material contradictions and omissions occurred in the statement of prosecutrix and other witnesses. The statement of the prosecutrix is suspicious and not reliable. But, ignoring all these facts, the Trial Court has wrongly convicted the Appellant.

6. I have heard Learned Counsel appearing for the parties and perused the record available to assess the correctness of the impugned judgment of conviction.
7. There is no dispute on the point that the prosecutrix (PW-5) is a real daughter of the Appellant. There is also no dispute on the point that at the time of alleged incident, the prosecutrix was aged about 13 years 1 month, her date of birth is 13.10.1999. In her Court statement, the prosecutrix (PW-5) supported the entire case of prosecution, she categorically stated that the Appellant was committed forceful sexual intercourse with her on various occasions and also threatened her for life by saying that not to disclose the incidents to anyone. According to this witness, she disclosed the entire incident to her mother namely Maya (PW-6). Her mother Maya (PW-6), has duly corroborated the statement of the prosecutrix. Both these witnesses remain firmed during their cross-examination. From the medical report of the prosecutrix also (Ex. P-15), it appears that her hymen was found ruptured.
8. On minute examination of the evidence, it is clear that there is sufficient evidence available on record against the Appellant. In my considered view the Trial Court has rightly convicted the Appellant.
9. Consequently, the appeal has no merit and the same is liable to be and is hereby dismissed.

Sd/-
(Arvind Singh Chandel)
Judge