

HIGH COURT OF CHHATTISGARH, BILASPUR
CRA No. 1501 of 2015

- Jitendra Singh S/o Late Duryodhan Singh, Aged About 27 Years R/o Kachod Chattanpara, Thana Kelhari, Distt. Koriya, Chhattisgarh.

---- Appellant

Versus

- The State Of Chhattisgarh Through Police Station Kelhari (wrongly mention Khadgawa), Distt. Koriya, Chhattisgarh.

---- Respondent

For Appellant	:	None.
For Respondent/State	:	Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

29/01/2021

1. By the impugned judgment dated 31/10/2015 passed in S.T. No. 111/2008 by the First Additional Sessions Judge, Manendragarh, District Koriya (C.G.), the Appellant has been convicted for the offence punishable under Sections 392, 394 & 397 of the Indian Penal Code and Section 27(1) of the Arms Act and sentenced to undergo rigorous imprisonment for 5 years and to pay fine of Rs. 200/-, rigorous imprisonment for 7 years and to pay fine of Rs. 300/-, rigorous imprisonment for 7 years and rigorous imprisonment for 3 years and to pay fine of Rs. 200/-, respectively with default stipulations. All the sentence to run concurrently.
2. According to the prosecution story, on 21.01.2008 at about 7 PM, when complainant Chain Singh was returning to his home along with Ashok Singh, when they reached near village *Kcchod Gundrupara* on

way they saw the road was blocked and three persons less with clubs, sword and gun looted Rs. 1800/-, mobile phone one bag wherein some important documents and other articles were kept from the complainant. Thereafter, one person assaulted Ashok Singh due to which he sustained injuries and also looted from him Rs. 450/- and thereafter they all fled away from the spot. The matter was reported by Chain Singh. On the basis of said report, FIR has been registered. 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, co-accused Sadhu @ Roop Singh who was declared absconded. A separate charge-sheet has been filed against another co-accused Ram Lakhan Patel in Juvenile Court. Trial Court has framed the charges. To prove the guilt of the Appellant, the prosecution has examined as many as 19 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, Ambikapur Surguja (C.G.) dated 28.1.2021 would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released on 18.12.2020.
5. Since no one appears for the Appellant today, I decide this appeal on merits.
6. I have heard Learned Counsel appearing for the State and perused

the record to assess the correctness of the impugned judgment of conviction.

7. In the Court statement of complainant Chain Singh (PW-2) deposed according to the case of prosecution. According to this witness, on 21.01.2008, when he was returning to his home along with Ashok Singh, on way the Appellant and other co-accused persons looted them, assaulted them and ran away from the spot. Ashok Singh (PW-1), Angrpratap Singh (PW-3) and Ranbahadur Singh (PW-4) also supported the above statement of Chain Singh (PW-2). All these witnesses remain firmed during their cross-examination. From the medical report of Ashok Singh (PW-1), it is also established that he sustained some injuries on his body. During TIP the Appellant has duly identified by the complainant and Ashok Singh. From the evidence adduced by the prosecution also established that during course of investigation on the basis of memorandum statement (Ex.P.12) of the Appellant, the looted properties have been seized by the Appellant.
8. On minute examination of the evidence, it is clear that there is sufficient evidence available on record against the Appellant. Looking to the entire evidence adduced by the prosecution, 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