

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 764 of 2015

1. Ashok Kumar Sahu, S/o Guruwaru Sahu, Aged About 31 Years R/o Village Barmunda, Police Station Bijepur, District Bargarh, Orissa.
2. Pintu @ Rangeet Kumar Sahu, S/o Achhay Kumar Sahu, Aged About 26 years, R/o in front of Hospital Sohela, P.S. Sohela, District – Bargarh, Orissa.

---- Appellants

Versus

- State of Chhattisgarh, Through - Police Station Saria, District – Raigarh, Chhattisgarh.

---- Respondent

For Appellants	:	None
For State/Respondent	:	Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

05/01/2021

1. By the impugned judgment dated 28/04/2015 passed in S.T. No. 02/2015 by the Additional Sessions Judge, Sarangarh, District – Raigarh, (C.G.) the Appellants have been convicted and sentenced as under :

<u>Conviction</u>	<u>Sentence</u>
U/s 342/34 of the I.P.C.	R.I. for 6-6 months & fine of Rs. 500-500/- each with default stipulations.
U/s 452 of the I.P.C.	R.I. for 5-5 years & fine of Rs. 1000-1000/- each with default stipulations.
U/s 397/34 of the I.P.C.	R.I. for 7-7 years & fine of Rs. 1000-1000/- each with default stipulations.

All sentence to run concurrently.

2. According to case of the prosecution, on 26/3/2014 at about 7:30 PM when complainant Arun Kumar Behra was in his house, at that time some unknown person knocked his door. When he opened the door, he saw some unknown person standing at his door. On being asked by appellants for water, complainant served them water to drink. Then appellants entered inside the house of the complainant and committed mar-pit with him and looted golden, silver ornaments, one Micromax mobile, one A.T.M. Card and one motorcycle and fled away from the spot. Matter was reported by the complainant Arun Kumar. During course of investigation, appellants were arrested. On the basis of the memorandum statements of the appellants, motorcycle and other items were seized from their possession. T.I.P was also conducted. After completion of investigation, charge-sheet was filed. Trial Court framed the charges. To prove the guilt of the accused/appellants, the prosecution examined as many as 12 witnesses. No defence witness has been examined. Statement of appellants under Section 313 of the Cr.P.C. were recorded, wherein accused/appellants have pleaded their innocence and false implication in the matter.
3. After trial, the trial Court has convicted and sentenced the appellants as mentioned in paragraph 1 of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Bilaspur, (C.G.) dated 10/06/2020 would mention that appellant No.1 Ashok Kumar Sahu and appellant No.2 Pintu @ Rangeet Kumar Sahu have undergone the entire jail sentence imposed upon them by the trial Court and already released on 18/10/2019 and 5/10/2019

respectively.

5. No one appears on behalf of appellants 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 and perused the record to assess the correctness of the impugned judgment of conviction.
7. I have gone through the statement of Arun Behra (PW-1) in which he has supported the entire case of the prosecution and deposed according to the case of the prosecution. In his statement, he has categorically stated that though he did not know the appellants by name but at the time of incident, he identified the appellants. In T.I.P. also, he identified the appellants. He also remained firm during his cross-examination. Smt. Prabhawati (PW-7) also corroborated the statements of Arun Behra (PW-1). After the incident, complainant immediately informed Manohar Panigrahi (PW-7) about the alleged incident. Manohar Manigrahi (PW-7) also supported the statement of complainant Arun Behra. From the statement of H. Kerketta, Inspector (PW-11), it is established that during investigation, he recorded the memorandum statements of both the appellants and on the basis of the memorandum statements, he recovered the looted mobile phone, motorcycle and other items.
8. On minute examination of the evidence, it is clear that there is sufficient evidence available on record against the appellants. Looking to the entire evidence adduced by the prosecution, in my considered view, the trial Court has rightly convicted the appellants.

9. Consequently, the appeal has no merit and the same is liable to be and is hereby dismissed.

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