

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1141 of 2014**

- Momin @ Mansur, S/o Sakur Ali, Aged About 25 Years, Occupation – Driver, R/o Village Basen, P.S. Rajpur, Revenue District Balrampur, Civil District Surguja-Ambikapur, Chhattisgarh.

---- Appellant**Versus**

- State Of Chhattisgarh Through Police Station Sanna, District Jashpur, Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board****14/01/2021**

1. This appeal has been preferred against the impugned judgment dated 13/02/2013 passed in S.T. No. 72/2012 by the Sessions Judge, Jashpur, District – Jashpur, (C.G.) wherein Appellant has been convicted and sentenced as under :

<u>Conviction</u>	<u>Sentence</u>
U/s 397 of the I.P.C.	R.I. for 10 years & fine of Rs. 1,000/- with default stipulations.

2. According to case of the prosecution, on 18/04/2011 at about 11:30 AM, Complainant Mohd. Anwar was going to purchase some articles. When he reached at Deepadih four persons riding in two motorcycle

came there and stopped him. They showed him '*katta*' and demanded articles and robbed Rs. 16,000/- and a mobile phone and fled away from the spot. Thereafter, Complainant returned to his village and narrated entire story to the villagers. Then he lodged a report i.e. Ex.P/1 before the Police Station. During course of investigation, on the basis of the memorandum statements of appellant, looted articles and cash has been seized from the possession of the appellant. Statement of the witnesses were also recorded. After completion of investigation, a charge-sheet was filed. Trial Court framed the charges. To prove the guilt of the accused/appellant, prosecution 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 his innocence and false implication in the matter.

3. After trial, the trial Court has convicted and sentenced the appellant as mentioned in paragraph 1 of this judgment. Hence, this appeal.
4. Vide PUD dated 11/01/2021 received from the Jail Superintendent, Central Jail, Ambikapur, Surguja (C.G.), it has been reported that appellant has undergone the entire jail sentence imposed upon him by the trial Court and already released on 29/10/2019.
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 and perused the record to assess the correctness of the impugned judgment of conviction.

7. Mohd. Anwar (PW-1) in his statement has deposed according to the case of prosecution. According to his statement, on the date of incident, when he was going to Ambikapur, at that time four accused persons came there in two motorcycles and looted Rs.16,000/- cash and one mobile phone from him. Immediately after the incident, matter was reported by him. During course of investigation, in Test Identification Parade, this witness has also identified the appellant. Statement of Mohd. Anwar (PW-1) was duly corroborated by his wife namely Zubeda Khatun (PW-5) and Manohar Ram Paikra (PW-4). From the statement of K.D. Padwar (PW-2), during T.I.P., Complainant Mohd. Anwar has duly identified the appellant. From the statement of Karmu Sai Paikra, Assistant Sub-Inspector (PW-3), it is also established that looted articles has been seized from the possession of 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