

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 718 of 2013**

- Nehrulal Patel, S/o Kanhaiyalal Patel, Aged About 35 Years R/o Village - Amapali, P.S. Lailunga, Civil and Rev. Distt. Raigarh, Chhattisgarh.

---- Appellant**Versus**

- The State of Chhattisgarh, Through the P.S. Lailunga, Civil and Rev. Distt. Raigarh, Chhattisgarh.

---- Respondent

For Appellant	:	None
For State/Respondent	:	Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board****28/01/2021**

1. This appeal has been preferred against the impugned judgment dated 07/05/2013 passed in S.T. No. 31/2011 by the 2nd Additional Sessions Judge, Raigarh (C.G.) wherein appellant has been convicted and sentenced as under :

<u>Conviction</u>	<u>Sentence</u>
U/s 507 of the I.P.C.	R.I. for 2 years.

2. According to case of the prosecution, on 07/3/2009, a truck bearing registration number C.G. 15A/1683, owned by one late Naseem Khan, was caught by the employees of Forest Department. It is alleged that

despite knowing the fact that Naseem Khan has already died, the appellant made forge call impersonating himself as late Naseem Khan and threatened the Forest Sub-Divisional Officer. Matter was reported and on the basis of the said, offence has been registered. After completion of the investigation, a charge-sheet was filed.

3. After trial, the trial Court has convicted and sentenced the appellant as mentioned in paragraph 1 of this judgment. Hence, this appeal.
4. As per the jail report and according to the judgment of the trial Court, appellant has already undergone the entire jail sentence and has been released from the jail in the present 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 Jagdishan (PW-1) in his Court statement has deposed according to the case of the prosecution and he has categorically stated that on 7/3/2009 at around 3:35 PM when he was attending a meeting, he received an unknown call in his mobile phone wherein the caller impersonating himself as Naseem Khan told that he is speaking Naseem and threatened to release the seized truck or he would be shot. The above statement of the complainant Jagdishan has not duly rebutted by the appellant and the said was duly corroborated by F.C. Panigrahi (PW-7) and Investigating Officer S.S. Khan. From the evidence adduced by the prosecution, it is well-established that

appellant was aware of the fact that Naseem Khan has died, despite of that he made a threatening call to the complainant Jagdishan impersonating himself as Naseem Khan.

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**