

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 921 of 2013

Lahna Singh S/o Bahadur Singh Caste Gond, Aged about 21 years R/o Ogyaon, Paschimpara, Chowki Ramgarh, Thana Sonhat, District Korea (C.G.).

---- Appellant

Versus

State of Chhattisgarh through Police Station Sonhat, District Korea (C.G.)

---- Respondent

For Appellant	:	None
For Respondent	:	Mr. Rakesh Sahu, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

11/01/2021

1. By the impugned judgment dated 12/06/2013 passed in Sessions Trial No. 51/2012 by the Sessions Judge, Korea (Baikunthpur) (C.G.), the Appellant has been convicted under Sections 366, 506, 323 & 376 of the IPC and sentenced to undergo RI for 10 years with fine Rs. 500/-, RI for 2 years with fine of Rs. 500/-, RI for 1 year with fine of Rs. 500/- and RI for 10 years with fine of Rs. 500/-, respectively, with default stipulations.
2. In this case, the appellant is Devar of the Prosecutrix (PW4) who is married lady. According to the case of the prosecution, on 02/04/2012, the Prosecutrix along with her husband had gone to see Gaangirani Fair. They reached there at about 8:00-9:00 pm. The Prosecutrix was sitting with her sister-in-law and her husband was sitting separately. At about 3:00-4:00 am, the Prosecutrix went for purchase some turmeric powder from the shop of one Ramadheen Sahu. At that time, the

appellant came there and hold the Prosecutrix. He took her forcibly towards the forest and committed rape with her. The matter was reported. On the basis of the said report, offence has been registered. After completion of investigation, a charge-sheet has been filed. Trial Court framed the charges. To prove the guilt of the Appellant, the prosecution has examined as many as 19 witnesses. Statement of the Appellant under Section 313 of the Cr.P.C has been recorded, wherein he has pleaded his innocence and false implication in the matter. No defence witness has been examined.

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 would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released 20/01/2020.
5. Since no one appears on behalf of the Appellant, therefore, I am going to decide this appeal on its merit.
6. I have heard Learned Counsel appearing for the State and perused the record of the trial Court as also the statements of the Prosecutrix and other witnesses.
7. In her Court statement, the Prosecutrix (PW4) has supported the entire case of the prosecution and deposed in the same manner. She has categorically stated that at the time of incident, when she went to purchase turmeric powder from a shop, at that time, the appellant took her forcibly towards forest and committed sexual intercourse with her. According to her statement, at the time of incident she had bitten the

appellant on his chest. She also sustained injuries on her knee and leg. From perusal of the medical reports of the Prosecutrix as well as of the appellant, it is clear that the Prosecutrix sustained some injuries on her knee and leg, and the appellant also sustained injury over his chest. Thus, medical reports of the Prosecutrix and appellant also corroborates the statement of the Prosecutrix. Though there are some contradictions and omissions occurred in the statement of the Prosecutrix, they are not material. Her statement is duly corroborated by medical reports.

8. Looking to the above evidence adduced by the prosecution, in my considered opinion, the trial Court has rightly convicted the appellant.
9. Consequently, I do not find any merit in this appeal. The same is dismissed.

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