

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 339 of 2016

- Chhannu Barsa, S/o Late Guddi Barsa, Aged About 47 Years, Cast Muriya, R/o Village Matenar Sarpanchpara, P.S. Dantewada, District Dantewada, Chhattisgarh.

---- Appellant

Versus

- State of Chhattisgarh, Through Police Station Dantewada, District Dantewada, Chhattisgarh.

---- Respondent

For Appellant	:	Shri Vijay Kumar Sahu, Advocate.
For State/Respondent	:	Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

07/06/2021

1. This appeal has been preferred against the impugned judgment dated 18/12/2015 passed in S.T. No.139/2013 by the Additional Sessions Judge, FTC, Dantewada, District – Dantewada, (C.G.) wherein appellant has been convicted and sentenced as under :

<u>Conviction</u>	<u>Sentence</u>
U/s 450 of the I.P.C.	R.I. for 7 years
U/s 376 of the I.P.C.	R.I. for 7 years
Both sentences to run concurrently.	

2. According to the case of the prosecution, prosecutrix is a married lady having a child aged about 1½ years. On 09.03.2013 at about 5:00 PM, when prosecutrix was in her house, allegedly, appellant entered inside the house, threatened her and committed forcible sexual intercourse with her. Report was made by the prosecutrix vide Ex.P-6 and on the basis of which offence was registered against appellant. Statement of prosecutrix and other witnesses were recorded under Section 161 of Cr.P.C. After completion of the investigation, a charge-sheet was filed. To prove the guilt of the accused/appellant, prosecution has examined as many as 12 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 completion of trial, the trial Court has convicted and sentenced the appellant as mentioned in paragraph 1 of this judgment. Hence, this appeal.
4. Learned Counsel appearing on behalf of the appellant submits that appellant is innocent and is falsely implicated in the present case. He further submits that trial Court has wrongly convicted the appellant without there being sufficient and clinching evidence against him. There are material contradictions and omissions occurred in the statement of the prosecutrix and other witnesses. Therefore, conviction of the appellant is not sustainable.
5. Per contra, learned Counsel appearing for the State supports the impugned judgment and submits that sentence awarded by the trial Court is just and proper and requires no interference.

6. I have heard learned Counsel appearing for the parties, perused the record minutely.
7. Prosecutrix (PW-2) in her Court statement has categorically stated that on the date of incident, when she was inside her house, at that time appellant forcibly entered in her house and committed forcible sexual intercourse with her. According to the witness Ramu Barsa (PW-6) and Mahadev Barsa (PW-7), when they reached there, then on seeing them, appellant fled away from the spot. Both Ramu Barsa (PW-6) and Mahadev Barsa (PW-7) have supported the above statement of prosecutrix. They have also categorically stated that at the time of incident, when they reached at the spot, they saw appellant was committing sexual intercourse with the prosecutrix and after seeing them, appellant fled away from spot. According to the further statement of these witnesses, on the next day of the incident, panchayat meeting was conveyed. These witnesses remained firm during there cross-examination. There is no material available in there statements to disbelieve them.
8. On a minute examination of the evidence on record, it is clear that there is sufficient evidence against the appellant to hold him guilty. In my considered view, the trial Court has rightly convicted the appellant.
9. Consequently, the appeal has no merit and is, therefore, dismissed.

Sd/-
(Arvind Singh Chandel)
Judge