

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 333 of 2015

- Kansram S/o Balakram Khadiya, Aged About 26 Years, R/o Village Maandeeep, P.S. Bilaigarh, Distt. Baloda Bazar - Bhatapara, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through P.S. Bilaigarh, Distt. Baloda Bazar - Bhatapara, Chhattisgarh.

---- Respondent

For Appellant	:	None
For State/Respondent	:	Shri Rakesh Sahu, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

08/02/2021

1. This appeal has been preferred against the impugned judgment dated 29/01/2015 passed in Special Sessions Case No.06/2014 by the 2nd Additional Sessions Judge/Special Judge (POCSO Act), District – Balodabazar-Bhatapara, (C.G.) wherein appellant has been convicted and sentenced as under :

<u>Conviction</u>	<u>Sentence</u>
U/s 376 of the I.P.C.	No sentence in view of Section 42 of Protection of Children from Sexual Offences Act, 2012
U/s 4 of POCSO Act, 2012	R.I. for 7 years and a fine of Rs.1,000/- with default stipulations.

U/s 363 of the I.P.C.	R.I. for 5 years and fine of Rs.1,000/- with default stipulations.
U/s 366 of the I.P.C.	R.I. for 5 years and fine of Rs.1,000/- with default stipulations.
All sentences to run concurrently.	

2. In the present case, age of the prosecutrix at the time of incident was about 16 years. At that time, she was studying in class 10. On 18.9.2013, prosecutrix was missing from her house. On enquiry, it was found that appellant was also missing from the same day. Thereafter, F.I.R. (Ex.P-5) was lodged by father of the prosecutrix namely Chumukram (PW-2) in the police station. During course of investigation, prosecutrix was recovered vide Ex.P-1 from the possession of the appellant. Statement of prosecutrix as well as 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 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 completion of trial, the trial Court has convicted and sentenced the appellant as mentioned in paragraph 1 of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Raipur, (C.G.) dated 07/04/2020 would mention that appellant has

undergone the entire jail sentence imposed upon him by the trial Court and already released on 04/02/2019.

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, perused the record, statement of witnesses to assess the correctness of the impugned judgment of conviction.
7. Prosecutrix (PW-1) in her Court statement has deposed according to case of the prosecution. From the statements of the prosecutrix and her father Chumukram (PW-2), it is established that at the time of incident, age of the prosecutrix was below 18 years. Prosecutrix in her Court statement has categorically deposed that appellant threatened her and took her away to the house of his maternal aunt at village Parsada, kept her there for about eight days and he used to develop sexual intercourse with her. Prosecutrix (PW-1) remained firm during her cross-examination. From the statement of prosecutrix and from her medical report, it is well-established that sexual intercourse was committed by the appellant with prosecutrix.
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**