

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1654 of 2015**

Purushottam Das S/o Baisakhu Das Manikpuri, aged about 25 years, R/o Village Bed Parsada Tahsil & P.S: Masturi, District: Bilaspur, Chhattisgarh

---- Appellant

Versus

State of Chhattisgarh Through Police Station Masturi, District: Bilaspur, Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

19.01.2021

1. This appeal has been preferred against the judgment dated 19.11.2015 passed in Sessions Trial No.71/2015 by the learned Sessions Judge, Bilaspur (C.G.) wherein, the Appellant has been convicted as mentioned below:

Conviction	Sentence	In Default
U/s 307 of IPC	RI for 07 years and a fine of Rs.1,000/-.	In default of payment of fine additional RI for 04 months.

2. In this case, victim is a married lady. According to the case of prosecution, on 14.02.2015, when the victim of this case was sitting on ground near her house, the present Appellant came there and asked for sexual favour. On being denied by the victim, the

Appellant threatened to kill her and then he assaulted her with the help of *Tangi* due to which she sustained injuries on her head and her shoulder. Thereafter, the husband of the victim and other persons reached the spot and the matter was reported. After completion of investigation, charge sheet was filed by the police. Trial Court framed the charges. To robe the Appellant, the prosecution has examined as many as total 09 witnesses. In the statement recorded under Section 313 of Cr.P.C, Appellant abjured the guilt and pleaded his innocence and false implication in the matter. No defence witness has been examined. After completion of trial, Trial Court convicted the Appellant and sentenced him as mentioned in Para 01 of this judgment. Hence, this appeal.

3. It is reported vide jail report that the Appellant has been released from jail on 22.08.2020 after completion of his entire jail sentence imposed upon him by the concerned Trial Court.
4. Since, no one appears on behalf of the Appellant, therefore, to find out correctness of the judgment, I am going to decide this appeal on its merits.
5. On the contrary, learned State Counsel opposed the prayer and supported the impugned judgment.
6. I have heard learned counsel appearing on behalf of the State and perused the record minutely.
7. PW-02, Bharti Shukla who is the victim of this case supported the entire case of the prosecution and categorically stated that at the time of incident when she was sitting on ground at that time, the Appellant came there and assaulted her with the help of *Tangi* due

to which, she sustained injuries on her head and her shoulder. Her statements were duly corroborated by PW-03, Dilharan Shukla, who is the husband of the victim. This witness supported the entire case of the prosecution. Both the aforesaid witnesses remained firm during their cross examination. PW-01, Dr. Parul Jogi, examined the victim. According to the MLC report given by her, the victim sustained three injuries, out of the three injury one injury was on her head. .

8. On minute examination of above evidence and looking to the entire evidence available on record, in my considered opinion, the learned Trial Court has rightly convicted the Appellant. Consequently, I do not find any merit in this appeal.
9. Accordingly, the Appeal is dismissed.
10. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-

(Arvind Singh Chandel)
Judge