

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 313 of 2014**

Dilip Kumar Sai S/o Udeswar Sai aged about 26 years, R/o Village Kotanpani, Police Station: Kansabel, District: Jashpur, Civil & Revenue District: Jashpur, Chhattisgarh.

---- Appellant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station: Kansabel, District: Jashpur, Chhattisgarh

---- Respondent

For Appellant	:	None.
For State/Respondent	:	Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

13.01.2021

1. This appeal has been preferred against the judgment dated 27.01.2014 passed in Sessions Case No.70/2013 by the learned Additional Session Judge (FTC), Jashpur (C.G.) wherein, the Appellant has been convicted as mentioned below:

Conviction	Sentence	In Default
U/s 363 of IPC	RI for 03 years and a fine of Rs.500/-.	In default of payment of fine amount additional RI for 01 month.
U/s 376 (2) of IPC	RI for 10 years and a fine of Rs.500/-.	In default of payment of fine amount additional RI for 01 month.
U/s 04 of POCSO Act, 2012	RI for 10 years and a fine of Rs.500/-.	In default of payment of fine amount additional RI for 01 month.

U/s 506 (B) of IPC	RI for 06 months and a fine of Rs.500/-.	In default of payment of fine amount additional RI for 01 month.
--------------------	--	--

2. In this case, at the relevant time, the age of the prosecutrix was about 13 years and she was studying at class 7th on Saraswati Shish Mandar School, Dokda. As per the prosecution story, on 16.04.2013 at around 02:00 P.M, the Appellant along with uncle of the prosecutrix namely Rajkumar came to the house of the prosecutrix and after some time, Rajkumar went near the Basti. The prosecutrix went to find her uncle Rajkumar where, the present Appellant came and took the prosecutrix near the Forest and committed sexual intercourse with her and also threatened her not to tell anyone about the incident. The prosecutrix told about the incident to her mother. Thereafter, matter was reported by her mother. Prosecutrix was medically examined vide Exhibit P-7. 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 13 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 08.09.2020 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. In this case, at the relevant time, PW-01, prosecutrix girl was aged about 13 years. She has duly supported the entire case of the prosecution. In her Court statement, she categorically stated that at the time of incident, she went to the house of Rajni to find her uncle Rajkumar, at that time, the Appellant came there and forcibly taken her to the Forest and he committed sexual intercourse with her. After the incident she disclosed the entire incident to her mother. Her statements were duly corroborated by her mother Tuleshwari Singh (PW-07). According to the medical report of the prosecutrix, some injuries were found on her body. Though there are some contradictions and omissions occurred in the statements of prosecutrix but they are not material and there is nothing on record on the basis of which it can be said that there were any enmity between both the parties.
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

Saurabh