

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 470 of 2015

Vinod Mandavi S/o Janik Ram Mandavi, aged about 28 years R/o Village Tikripara, Chhuikhadan, Ward No. 18, Civil & Revenue District Rajnandgaon (C.G.).

---- Appellant

Versus

State of Chhattisgarh through Station House Officer, Police Station Balod, District Balod (C.G.)

---- Respondent

For Appellant	:	None
For Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

17/02/2021

1. By the impugned judgment dated 01/12/2014 passed in Sessions Trial No 41/2014 by the Second Additional Sessions Judge, Balod, District Balod (C.G.), the Appellant has been convicted under Section 376 (2) of the IPC and sentenced to undergo RI for 7 years with fine Rs. 500/- with default stipulation.
2. According to the case of the prosecution, on 19/03/2014, the appellant and one Shiv @ Lallu came to the house of the Complainant Ganga Sori and said that they were going to Dhamtari, but due to night, they would halt at his house. Elder sister of the Complainant who is Prosecutrix in the present case, was of weak mind and dumb. It is alleged that in the night at about 10:00 pm, the appellant and co-accused Shiva @ Lallu (Juvenile) committed gang rape with the Prosecutrix. The matter was reported by the Complainant and FIR has

been registered vide Ex.P-2. Statement of the Prosecutrix and witnesses were recorded under Section 161 of the Cr.P.C. After completion of investigation, a charge-sheet was filed. Trial Court framed the charges. To prove the guilt of the Appellant, the prosecution has examined as many as 12 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. One 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, Raipur would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released on 02/11/2019.
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 witnesses minutely.
7. The Prosecutrix (PW6) in her court statement has supported the entire case of the prosecution and stated that at the time of incident, the appellant committed sexual intercourse with her. Her statement is duly corroborated by her sister Ganga Sori (PW1). Both the above witnesses have remained firm during their cross-examination. Immediately after the incident, the matter was reported.
8. Looking to the entire 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**

Rahul