

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 690 of 2017

- Naresh Kumar Pudo S/o Duklu Ram Pudo, Aged About 22 Years R/o Village Jakke, Police Station Khadgaon, District Rajnandgaon, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through Police Station Khadgan, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Appellant	:	Mr. BL Dembra, Advocate.
For Respondent/State	:	Mr. Akhtar Hussain, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

13/08/2021

1. By the impugned judgment dated 22/02/2017 passed in S.T. No. 91/2015 by the learned Additional Sessions Judge(FTC) Rajnandgaon, District Rajnandgaon (C.G.), the Appellant has been convicted for the offence punishable under Sections 450, 342 & 376 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 5 years, and to pay fine of Rs. 2,000/-, rigorous imprisonment for 6 months, and to pay fine of Rs. 500/- and rigorous imprisonment for 7 years, and to pay fine of Rs. 2000/- respectively, with default stipulations. All the jail sentences to run concurrently.
2. According to the prosecution story, on intervening night of 14.08.2015-15.08.2015 at around 1:30 AM, when the prosecutrix was

sleeping in her home along with her husband allegedly, the Appellant entered in her house and took the prosecutrix towards court yard and committed forcible sexual intercourse with her, on her screaming, her husband came to the spot and on seeing her husband, the Appellant fled away from the spot. Thereafter, the matter was reported. On the basis of above, offence has been registered against the Appellant. Later on statements of the prosecutrix and other witnesses were recorded under Section 161 of Cr.P.C. After completion of investigation, charge-sheet has been filed. Trial Court has framed the charges. To prove the guilt of the Appellant, the prosecution has examined as many as 16 witnesses. No defense witness has been examined. Statement of the Appellant under Section 313 of the Cr.P.C. was recorded, wherein he has pleaded his innocence and false implication in the matter.

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, Durg District Durg (C.G.) dated 09.08.2021 would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released from jail on 12.05.2021.
5. Learned Counsel appearing for the Appellant would submit that the Appellant has wrongly convicted by the Trial Court without there being any clinching and reliable evidence available on record. He further submits that from the statement of the prosecutrix, it appears that she was a consenting party in the alleged act and since the incident was seen by her husband, therefore, a false report has been lodged by the

prosecutrix against the Appellant. Hence, his conviction is not sustainable.

6. On the contrary, learned Counsel appearing for the State opposed the appeal and supported the impugned judgment of conviction.
7. I have heard Learned Counsel appearing for the parties and perused the record to assess the correctness of the impugned judgment of conviction. I have also gone through the statements of the witnesses.
8. In her Court statement prosecutrix (PW-6) deposed that on the date of incident when she was sleeping in her home along with her husband, the Appellant entered in her house and took her to court yard by locking her room from outside and committed forcible sexual intercourse with her and when she screamed, her husband came to the spot and on seeing her husband, the Appellant fled away from the spot. She further deposed that in this regard, a village meeting was also conducted wherein the Appellant was not present, thereafter, she lodged a report against the Appellant in concerned Police Station. During cross-examination, this witness remain firmed. On the point of alleged incident, there is nothing on record on the basis of which it can be said that there was a previous enmity between the Appellant and the prosecutrix, therefore, the Appellant has falsely been implicated by the prosecutrix, I do not found any substance in this regard. The statement of the prosecutrix is duly corroborated by her husband Bhadruram (PW-10). Other prosecution witnesses Budaru Ram (PW-1), Bishram Singh (PW-2), Ramprasad (PW-3), Shivilal (PW-4), Talwar Singh (PW-5) and Sannuram (PW-9) also supported the statement of the prosecutrix and deposed that with regard to the alleged incident, a

village meeting was also conducted.

9. From the evidence available on record and looking to the entire case of prosecution there is sufficient evidence available on record against the Appellant and the crime has duly proved against him. Thus, the learned trial Court has rightly convicted the Appellant.
10. Consequently, the appeal has no merit and the same is liable to be and is hereby dismissed.

Sd/-
(Arvind Singh Chandel)
Judge