

HIGH COURT OF CHHATTISGARH, BILASPUR
CRA No. 1376 of 2015

1. Ku. Ramoti Potai D/o Ranuram Potai Aged About 22 Years R/o Village Gondul, P.S. Koylibeda, Distt. North Bastar Kanker, Chhattisgarh.
2. Rukhmay Aanchla D/o Dururam Aanchla Aged About 21 Years R/o Village Gondul, P.S. Koylibeda, Distt. North Bastar Kanker, Chhattisgarh.

---- Appellants

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Koylibeda, Distt. North Bastar Kanker, Chhattisgarh.

---- Respondent

For Appellants	:	None.
For Respondent/State	:	Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

22/02/2021

1. By the impugned judgment dated 17/07/2015 passed in S.T. No. 92/2013 by the learned Additional Sessions Judge, North Bastar Kanker, District Kanker (C.G.), the Appellant has been convicted for the offence punishable under Sections 148 & 307 of the Indian Penal Code, Section 25 & 27 of the Arms Act and Section 5 of Explosive Material Adhiniyam and sentenced to undergo rigorous imprisonment for 3 years and to pay fine of Rs. 100/-, rigorous imprisonment for 10 years and to pay fine of Rs. 100/-, rigorous imprisonment for 7 years and to pay fine of Rs. 100/-, rigorous imprisonment for 3 years and to pay fine of Rs. 100/- and rigorous imprisonment for 10 years and to pay fine of Rs. 100/- respectively, with default stipulations. All the sentence to run concurrently.

- 2.** According to the case of prosecution, on 09.04.2013 at around 12:30 to 16:00 hours, Police force and BSF were in patrolling and in search of Naxals at that time between village Kesokodi, Aalparas and village Gondal Aalparas under Police Station Koylibeda allegedly, the Appellants and other co-accused persons with intention to kill, fired on Police Force as well as on BSF. On counter attack by the Police and BSF, co-accused persons were fled away and the Appellants were arrested along with 1-1 glut guns. On inspection of place of incident, three glut guns, 14 packet bomb, 01 uniform of green color, one piece of ½ kg. iron, two bundles electric wire, iron cutter and other articles were found and seized from the spot. Thereafter, Dehati Nalisi was lodged on the spot (Ex.P-15). Later on, in Police Station FIR was lodged (Ex.P-18). Statement of complainant and other witnesses recorded under Section 161 of Cr.P.C. After completion of investigation, charge-sheet has been filed against the Appellants. To prove the guilt of the Appellants, the prosecution has examined as many as 15 witnesses. No defense witness has been examined. Statement of the Appellants under Section 313 of the Cr.P.C. was recorded, wherein they have pleaded their innocence and false implication in the matter.
- 3.** After trial, the trial Court has convicted and sentenced the Appellants as mentioned in paragraph one of this judgment. Hence, this appeal.
- 4.** A certificate of incarceration sent by the Jail Superintendent, Central Jail, Ambikapur Surguja (C.G.) dated 10.2.2021 would mention that the Appellants have undergone the entire jail sentence imposed upon them by the Trial Court and already released on 01.10.2020.

5. Since no one appears for the Appellants today, I decide this appeal on merits.
6. I have heard Learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.
7. In Court statement of Rakesh Khuteshwar (PW-11), Ameet Tiwari (PW-9), Hemant Sahu (PW-4), Rajkumar Sinha(PW-6), Kuleshwar Prasad Dewangan(PW-15), Mahant Singh (PW-12) they have supported the entire case of prosecution. They remain firm during their cross-examination. There is nothing on record on the basis of which their statements can be disbelieved. Seized articles were medically examined by Jitendra Singh Gurung (PW-5) his report is (Ex.P-10). Seized gunpowder was also examined by Narendra Singh (PW-7) his report is (Ex.P-12).
8. On minute examination of the evidence, it is clear that there is sufficient evidence available on record against the Appellants. Looking to the entire evidence adduced by the prosecution, in my considered view, the Trial Court has rightly convicted the Appellants.
9. Consequently, the appeal has no merit and the same is liable to be and is hereby dismissed.

Sd/-
(Arvind Singh Chandel)
Judge