

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1221 of 2017

- Budhe Lal Ratre S/o Baldu Prasad, Aged About 42 Years R/o Ramnagar Ward No. 12 Balauda, Police Station Balauda, District Janjgir Champa, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through Station House Officer Balauda, District Janjgir Champa, Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

15/07/2021

1. By the impugned judgment dated 24/05/2017 passed in Special Session Case No. 44/2016 by the learned Additional Sessions Judge (FTC), Janjgir, District Janjgir-Champa (C.G.), the Appellant has been convicted for the offence punishable under Section 10 of the POCSO Act and Sections 323 & 509 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 5 years and to pay fine of Rs.500/-, rigorous imprisonment for 6 months and to pay fine of Rs. 1000/- and rigorous imprisonment for 3 years and to pay fine of Rs. 500/- respectively, with default stipulations.
2. According to the case of prosecution, On 21.08.2016 at about 4:30 PM, when the victim/prosecutrix was alone at her home, at that time

the Appellant who is a father of the victim/prosecutrix came there in drunken condition and forced the victim/prosecutrix to sleep with him, he caught hold her hands and tried to dragged her and when she denied to doing the same, the Appellant became anger and beaten her with the help of club. The prosecutrix narrated the entire incident to her mother Gulaba Bai (PW-2), thereafter, the matter was reported. Later on statement of the victim/prosecutrix and other witnesses were recorded under Section 161 of Cr.P.C. After completion of investigation, charge-sheet has been filed and the Trial Court has framed the charges. To prove the guilt of the Appellant, the prosecution has examined as many as 8 witnesses. No defense witness has been examined by the Appellant. 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, Bilaspur (C.G.) would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released from jail on 16.08.2020.
5. Since no one appears for the Appellant today, I decide this appeal on merits.
6. 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 State 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. There is no dispute on the point that the prosecutrix is a real daughter of the Appellant and at the time incident she was aged below 18 years. With regard to the incident prosecutrix (PW-1) supported the entire case of prosecution and deposed according to the case of prosecution. Her statement is duly corroborated by her mother Gulaba Bai (PW-2). Her statement is also corroborated by medical evidence. Both the above witnesses remain firm during their cross-examination. There is nothing on record on the basis of which their statements can be disbelieved.
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 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