

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CRA No. 1780 of 2019

- Indrajeet Vishwas @ Indro S/o Jiten Vishwas Aged About 18 Years Block Mana Camp, Police Station Mana Camp, District Raipur Chhattisgarh.

---- Appellant

Versus

- State of Chhattisgarh Through Station House Officer, Police Of Police Station Mana Camp, Raipur, District Raipur Chhattisgarh.

---- Respondent

For Appellant	:Mr. Qamrul Aziz, Advocate.
For State/Respondent	:Mr. Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

07.07.2021

1. This appeal has been preferred against the judgment dated 11.04.2019, passed in Special Criminal Case No. 132/2018 by the learned Seventh Additional Session Judge, Raipur, Distt. Raipur(C.G.) wherein, the Appellant has been convicted for the offence punishable under Section 8 of the POCSO Act and sentenced to undergo RI for 3 years and to pay fine of Rs. 500/- with default stipulation.
2. According to the case of prosecution, on 24.06.2018 at around 7:30 PM, when the victim was returning from market alongwith her sister Saraswati Baidya, nearby Shitla Mandir, the Appellant came there and caught hold her left hand with

intend to outrage her modesty. On being raised noise by the victim, Rakesh Mandal, Mithun Mandal, Deepankar Burman and Sandeep Mandal came there, caught the Appellant and handed over to the Police. On the basis of above, offence has been registered against the Appellant. Later on, statements of victim and witnesses recorded under Section 161 of the Cr.P.C. After completion of investigation, charge-sheet was filed by the Police. Trial Court framed the charges against the Appellant. To robe the Appellant in the crime-in-question, the prosecution has examined as many as 5 witnesses. In the statement of the Appellant recorded under Section 313 of Cr.P.C, he has pleaded his innocence and false implication in the matter, however, no defence witness was examined by the Appellant. After completion of trial, Trial Court convicted and sentenced the Appellant as mentioned in Para 01 of this judgment. Hence, this appeal.

3. Learned Counsel appearing for the Appellant submits that the prosecution agency has failed to prove the guilt of the Appellant beyond all reasonable doubts. He further submits that there are material contradictions and omissions occurred in the deposition of prosecution witnesses, in spite of that he has wrongly been convicted by the Trial Court. Hence, his conviction is not sustainable.
4. On the contrary, learned State Counsel opposed the appeal and supported the impugned judgment.

5. I have heard learned counsel appearing on behalf of the parties and perused the record minutely. I have also gone through the statements of the witnesses minutely.
6. From the oral and documentary evidence adduced by the prosecution, it is well established that at the time of incident, the victim was below 18 years of age. With regard to the incident, in her Court statement prosecutrix/victim (PW-1) deposed according to the case of prosecution, she remains firmed during her cross-examination and her statement is duly corroborated by her sister Saraswati Baidya (PW-2) and father Dilip Baidya (PW-3). Both the above witnesses also remain firmed during their cross-examination. Though there are some contradictions and omissions occurred in their statements, but they are not material.
7. Looking to the entire evidence adduced by the prosecution, in my considered view, the Trial Court has rightly convicted the Appellant.
8. Consequently, I do not found any merit in this Appeal. Accordingly, the same is liable to be and is hereby dismissed.
9. 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