

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRA No. 1134 of 2015**

- Firtu Ram Soni S/o Ramprasad Soni, aged about 66 years R/o Kundrapara, District- Durg (C.G.).

**---- Appellant**

**Versus**

State of Chhattisgarh Through: Station House Officer, Police Station- Durg, District- Durg (C.G.)

**---- Respondent**

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For Appellant	:	Mr. Jeet Patel, Advocate
For Respondent	:	Mr. Vinod Tekam, PL

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**Hon'ble Shri Justice Arvind Singh Chandel**

**Judgment on Board**

**29/09/2018**

1. The Appellant has been convicted under Sections 342 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 6 months. He has been also convicted under Section 10 of the POCSO Act and sentenced to undergo RI for 5 years and to pay fine of Rs. 5,000/- with default stipulation.
2. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Durg would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released on 20/07/2018.
3. I have heard learned counsel for the parties and perused the records to assess the correctness of the impugned judgment of conviction.

4. The appellant had allegedly caught hold the hand of the prosecutrix, a dumb girl, took her inside his room and closed the door. Thereafter, he tried to commit sexual intercourse with her. Since, the prosecutrix was dumb, therefore, her statement was not recorded before the trial Court.
5. Yogeshwari (PW3) is the eye-witness of the incident. She has categorically stated that at the time of incident, she was standing near her house. At the same time, the applicant came and caught hold the hand of the prosecutrix and took her inside his room. She followed the appellant and saw from a hole of the door that the appellant put off all the clothes of the prosecutrix and was trying to commit sexual intercourse with her. She called the Punia (Mausi of the prosecutrix) and thereafter they reached to the spot. The appellant was getaway from there and they bring the prosecutrix with them.
6. Her statement was duly corroborated by Punia (PW-1), Lata Thakur (PW2) and Anusuiya (PW3). All the said witnesses were affirmed during their cross-examination.
7. Considering the material available on record, I do not find any merit in this appeal.
8. Consequently, the appeal deserves to be and is hereby dismissed.

Sd/-

**Judge  
Arvind Singh Chandel**