



2026:CGHC:3629



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1248 of 2016

1 - Aashif Khan S/o Babu Khan, Aged About 23 Years Caste Musalman,
R/o Pathanpara, Chhuikhada, Police Station Chhuikhadan, District
Rajnandgaon, Chhattisgarh., Chhattisgarh

... Appellant(s)

versus

1 - State Of Chhattisgarh Through The Police Station Chhuikhadan,
District Rajnandgaon, Chhattisgarh., Chhattisgarh

... Respondent(s)

For Appellant(s)	:	Shri Abhishek Sharma, Advocate
For Respondent/State	:	Dr. Surendra Kumar Dewangan, PL

(Hon'ble Shri Justice Arvind Kumar Verma)

Judgment on Board

21/01/2026

Being aggrieved by the judgment of conviction and order of
sentenced dated 01.07.2016 passed by the learned Special Judge
(Atrocities), Rajnandgaon (CG) in Special Case No. 28/2015 the
appellant preferred the present appeal under Section 374(2) of the



Cr.P.C. assailing the judgment of conviction and order of sentence dated 01.07.2016 passed by the learned Special Judge (Atrocities), Rajnandgaon (C.G.) in Special Case No. 28/2015, whereby the appellant has been convicted for the offences punishable under Sections 354-D, 323 and 506-B of the Indian Penal Code and sentenced to undergo RI for one year u/s. 354-D; to undergo RI for 6 months u/Ss. 323 and 506-B IPC with fine of Rs. 100/- on each count with default stipulations.

2. The prosecution case, in brief, is that on 27.08.2015, the complainant lodged a report at the concerned police station alleging that on 15.08.2015, when she had gone to the weekly market at Chhuikhadan, the appellant followed her, caught hold of her hair, used filthy language and started quarrelling with her. It was further alleged that the appellant threatened to kill her if she disclosed the incident to anyone. Thereafter, on 24.08.2015, the complainant disclosed the incident in a village meeting, pursuant to which a report was lodged.

3. On the basis of the said report, offences under Sections 354-D, 294, 323 and 506 of the IPC were registered. After completion of investigation, charge-sheet was filed against the appellant. The learned trial court, upon appreciation of oral and documentary evidence, acquitted the appellant of certain charges but convicted him under Sections 354-D, 323 and 506-B of the IPC and imposed sentences accordingly.

4. Learned counsel for the appellant vehemently assailed the impugned judgment of conviction and order of sentence passed by the



learned trial Court and submitted that the findings recorded therein are contrary to law and evidence on record. It was contended that the learned trial Court failed to appreciate the material contradictions, omissions and infirmities in the prosecution case and erroneously convicted the appellant despite the absence of reliable and cogent evidence. It was further submitted that the prosecution has failed to prove the guilt of the appellant beyond reasonable doubt and that the conviction is based on conjectures and surmises rather than on legally admissible evidence.

5. Learned counsel for the appellant submitted that the entire prosecution case rests primarily upon the testimony of the complainant (P.W.10). It was argued that the statement of the complainant suffers from serious inconsistencies and improbabilities. It was pointed out that according to the complainant, the incident allegedly occurred on 15.08.2015 in the weekly market at Chhuikhadan at about 4:00 p.m., where the appellant allegedly caught hold of her hair, abused her and assaulted her. However, it was contended that the conduct of the complainant after the alleged incident is unnatural and improbable, inasmuch as she did not immediately report the matter to the police or to any family member. He further submitted that the complainant herself admitted that she disclosed the incident only on 24.08.2015 in a village meeting and thereafter the report was lodged on 27.08.2015. The unexplained delay in lodging the FIR casts a serious doubt on the veracity of the prosecution story.

6. It was submitted that P.W.4 Chandresh Sahu, P.W.5 Sambhu



Jaiswal, P.W.7 Shiv Rajput, P.W.8 Suresh Dhurve and P.W.9 Pannalal Mandavi did not fully support the prosecution case. These witnesses failed to corroborate the allegations made by the complainant regarding stalking, assault and criminal intimidation. The independent witnesses, who were allegedly present in the market, also did not support the prosecution version, the testimony of the complainant alone cannot be relied upon without corroboration.

7. It was contended that the statements of the witnesses are general in nature and do not establish the essential ingredients of the offences under Sections 354-D, 323 and 506-B of the IPC. It was also argued that the complainant's statement is not corroborated by independent witnesses present at the alleged place of occurrence, despite the fact that the incident allegedly occurred in a crowded public market. It was argued that the prosecution witnesses did not fully support the case and that the ingredients of the alleged offences were not established beyond reasonable doubt. P.W.15 Dr. Leela Ramteke, who medically examined the complainant, categorically stated that no external injury was found on the body of the complainant. The medical report (Exhibit P/10) also does not indicate any visible injury.

8. It was argued that if the complainant had actually been assaulted in the manner alleged by her, some injuries would have been found on her body. The absence of any injury clearly falsifies the allegation of physical assault. The alleged act of catching hold of hair and assaulting in a public market would ordinarily result in some physical marks or



injuries, but the medical evidence completely belies the prosecution story.

9. Alternatively, it was submitted that even if the conviction is upheld, the sentence deserves to be reduced considering the nature of the offence, the period of custody already undergone by the appellant and the fact that the incident pertains to the year 2015.

10. Per contra, learned counsel for the State supported the impugned judgment and submitted that the learned trial court has rightly appreciated the evidence on record and that the conviction is well-founded. It was further argued that the offences proved against the appellant are serious in nature and do not warrant interference by this Court.

11. Heard counsel for the parties and perused the material available on record.

12. The Court has given its anxious consideration to the rival submissions advanced by the learned counsel for the parties and has meticulously examined the entire oral and documentary evidence available on record.

13. It is well settled that in a criminal appeal, the appellate court is required to reappraise the evidence to ascertain whether the findings recorded by the trial court are based on proper appreciation of evidence and whether the conviction suffers from perversity or illegality.

14. Upon a careful scrutiny of the testimony of the complainant



(P.W.10), it emerges that her evidence is consistent, natural and inspires confidence. The complainant has categorically stated that on 15.08.2015, while she was present in the weekly market at Chhuikhadan, the appellant followed her, caught hold of her hair, abused her in filthy language and assaulted her, and further threatened her with dire consequences if she disclosed the incident to anyone.

15. The testimony of the complainant finds substantial corroboration from the statements of other prosecution witnesses, who have supported the occurrence of the incident and the presence of the appellant at the place of occurrence. The evidence of witnesses ie. P.W.-2 Smt. Chander Bai, P.W-3 Agrahit Mandavi, P.W.-4 Chandresh Sahu, P.W.-7 Shiv Rajput, P.W-8 Suresh Dhurve and P.W-9 Pannalal Mandavi, though not identical in all respects, lends assurance to the version of the complainant regarding the incident.

16. It is trite law that minor contradictions, discrepancies or omissions in the statements of witnesses do not demolish the prosecution case when the core of the prosecution story remains intact. The contradictions pointed out by the defence are minor in nature and do not go to the root of the matter so as to discredit the prosecution case.

17. So far as the medical evidence is concerned, P.W.15-Dr. Leela Ramteke has stated that no external injury was found on the body of the complainant at the time of medical examination. However, the absence of visible injuries does not *ipso facto* negate the occurrence of the incident, particularly when the allegation relates to catching hold of hair,



use of abusive language and criminal intimidation.

18. It is a settled principle of law that ocular testimony, if found reliable and trustworthy, cannot be discarded merely because medical evidence does not fully support the case of prosecution. In the present case, the medical evidence does not contradict the prosecution case; rather, it only indicates that the injuries were not visible, which does not render the testimony of the complainant unreliable.

19. The contention of the appellant regarding delay in lodging the FIR has also been considered by this Court. It is evident from the record that the complainant disclosed the incident in a village meeting on 24.08.2015 and thereafter lodged the report on 27.08.2015.

20. In cases involving offences against women, some delay in reporting the incident is not uncommon and cannot be viewed with suspicion in isolation. The explanation furnished by the complainant for the delay appears plausible and does not adversely affect the credibility of the prosecution case.

21. From the evidence on record, it is established beyond reasonable doubt that the appellant intentionally followed and harassed the complainant in a public place, assaulted her by catching hold of her hair and intimidated her with threats of death. The essential ingredients of offences punishable under Sections 354-D, 323 and 506-B of the Indian Penal Code are clearly made out.

22. The learned trial court has correctly appreciated the evidence and



has recorded well-reasoned findings while convicting the appellant. This Court does not find any perversity or illegality in the impugned judgment warranting interference with the conviction.

23. Coming to the question of sentence, it is not in dispute that the appellant has remained in custody for a period of about one month and thirteen days, the incident pertains to the year 2015, and the appellant has faced the ordeal of criminal proceedings for a considerable period.

24. Having regard to the nature of the offence, the circumstances of the case, the period of custody already undergone by the appellant and the ends of justice, this Court is of the considered opinion that the sentence imposed by the learned trial court deserves to be modified.

25. In view of the foregoing discussion, this Court arrives at the conclusion that the conviction of the appellant for the offences punishable under Sections 354-D, 323 and 506-B of the Indian Penal Code, as 323 and 506-B of the Indian Penal Code is hereby affirmed and upheld. The sentence of imprisonment imposed upon the appellant is reduced to the period already undergone, i.e., one month and thirteen days. The fine imposed by the learned trial court shall remain intact. The appeal is partly allowed to the extent indicated above. Appellant is on bail. His bail bonds stand discharged, subject to compliance of the fine amount, if not already deposited.

Sd/-
(Arvind Kumar Verma)
Judge