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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1917 of 2026

- Jayshankar Jangde @ Achchhi, S/o Late Oman Jangde, aged about 19 Years, R/o Village Gandpendri, Police Station Utai, District- Durg (C.G.)
...Appellant

versus

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

For Appellant	: Mr. Ajeet Kumar Yadav, Advocate, through Legal Aid.
For State	: Mr. Anish Tiwari, Deputy Government Advocate.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Judgment on Board

11/09/2026

- This criminal appeal has been preferred by the appellant under Section 415(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, 'BNSS, 2023'), against the judgment of conviction and order of sentence dated 02.12.2025 passed by the learned Additional Sessions Judge, Patan, District Durg, C.G. in New Sessions Trial No.200/2024 (Old S.T. No.184/2024), whereby the appellant has been convicted and sentenced as under:-

Conviction	Sentence
Under Section 119(1) read with Section 3(5) of Bharatiya Nyaya	Rigorous Imprisonment for 2 years with fine of Rs.2,000/- and,

Sanhita, 2023 (in short, 'BNS')	in default, to undergo additional rigorous imprisonment for 3 months
Under Section 118(1) read with Section 3(5) of BNS, 2023	Rigorous Imprisonment for 6 months with fine of Rs.1,000/- and, in default, to undergo additional rigorous imprisonment for 1 month
Both the sentences were directed to run concurrently	

2. Case of the prosecution, in brief, is that on 08.07.2024 at about 8.00 p.m., appellant, along with a child in conflict with law, came to the shop of PW-1/injured Sunil Kumar Gaikwad and demanded Rs.500/- from him for consuming liquor. When PW-1 refused to give the money, appellant allegedly assaulted him with a cutter, causing an incised injury on his right forearm. PW-1/injured was taken to the hospital, where he was medically examined by PW-3 Dr. G.S. Thakur and the MLC report is vide Ex.P-8. On the basis of the report lodged in this regard, FIR was registered against the appellant vide Ex.P-19. During investigation, cutter, clothes of the injured and other articles were seized and statements of the witnesses were recorded. Thereafter, charge-sheet was filed against the appellant for the offences punishable under Sections 296, 109 and 119 read with Section 3(5) of BNS, 2023. The learned Trial Court, after hearing the parties and considering the material available on record, framed charges against the appellant for the aforesaid offences. Appellant abjured the charges, pleaded not guilty and claimed to be tried.
3. In order to prove the charges, the prosecution examined 7 witnesses and exhibited 35 documents. After appreciation of the evidence, the learned Trial Court acquitted the appellant of the charges under Sections 296 and 109 read with Section 3(5) of the BNS, whereas he

was convicted and sentenced as mentioned in para 1 of this judgment. Hence, this appeal.

4. At the outset, learned counsel for the appellant submits that he does not wish to press the present appeal insofar as the conviction recorded by the learned Trial Court is concerned and would confine his submissions only to the quantum of sentence. He further submits that the appellant remained in custody from 09.07.2024 to 05.10.2024, from 11.11.2025 to 02.12.2025, and thereafter from 02.12.2025 till date, i.e., for about 1 year and 29 days, totalling 394 days. He further submits that the appellant has no criminal antecedents and is a young boy aged about 19 years. Therefore, it is prayed that the sentence awarded to the appellant may kindly be reduced to the period already undergone by him.
5. On the contrary, learned State counsel supports the impugned judgment and submits that the learned Trial Court, after appreciating the evidence available on record, has rightly convicted and sentenced the appellant.
6. I have heard learned counsel appearing on behalf of the parties and perused the record.
7. Though learned counsel for the appellant is not pressing the instant appeal on the conviction part of the judgment, however, on perusal of the evidence available on record, it is apparent that the injured witness Sunil Kumar Gaikwad (PW-1) has specifically stated that on the date of incident, when he refused to give money to the appellant, he (appellant) assaulted him by means of a cutter, due to which, he sustained an incised injury on his right forearm. The aforesaid version

of the injured witness finds corroboration from the medical evidence of Dr. G.S. Thakur (PW-3), who medically examined the injured and found an incised wound on his right forearm and opined that the injury could have been caused by a sharp-edged weapon like a cutter. The evidence of the Investigating Officer (PW-7 Rajkumar Deshmukh) and other prosecution witnesses further corroborates the seizure and other material aspects of the prosecution case. Thus, considering the deposition of the injured witness- PW-1 Sunil Kumar Gaikwad, duly supported by the medical and other corroborative evidence on record, and the finding recorded by the learned Trial Court upon appreciation of the evidence, we find no illegality or perversity in holding the appellant guilty. Accordingly, the conviction of the appellant for the aforesaid offences is hereby affirmed.

8. So far as the sentence part is concerned, considering the facts and circumstances of the case, the fact that the appellant has already undergone about 1 year and 29 days, totalling 394 days, of the jail sentence awarded by the learned Trial Court, he has no criminal antecedents, and that he is a young boy aged about 19 years, this Court is of the view that no useful purpose would be served by keeping the appellant in further detention to undergo the remaining period of sentence, rather the ends of justice would be served if his jail sentence under the aforesaid sections is reduced to the period already undergone by him. Ordered accordingly.
9. In the result, the criminal appeal is partly allowed. The conviction of the appellant recorded by the learned Trial Court is maintained; however, the jail sentence imposed upon him is reduced to the period already

undergone by him, i.e., from 09.07.2024 to 05.10.2024, from 11.11.2025 to 02.12.2025, and from 02.12.2025 till date, totalling 1 year and 29 days (394 days). The sentence of fine imposed by the learned Trial Court is maintained. The impugned judgment stands modified to the above extent.

10. Appellant is reported to be in jail, he be released from jail forthwith, if not required in any other matter/case.
11. Record of the trial Court along with copy of this judgment be sent back immediately to the trial Court concerned for compliance and needful, if any.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Akhilesh