

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 987 of 2015

The State of Chhattisgarh, through District Magistrate, Raigarh

---- Appellant

Versus

Motilal Patel S/o Satyanand Patel, Aged about 35 years, R/o
Village Kensara, P.S. Pussore, District Raigarh (CG)

---- Respondent

For Petitioner/State : Ms. Shobha Kashyap, Dy.
Government Advocate
Respondent is not noticed.

HON'BLE SHRI JUSTICE CHANDRA BHUSHAN BAJPAI

ORDER

17/8/2015

1. The matter is listed in default as the instant appeal has been preferred after 1 day of its limitation and no application has been filed for condonation of delay along with affidavit.
2. Heard on admission.
3. The instant Criminal Appeal has been preferred after 1 day of its limitation.
4. The appeal has been preferred under Section 377 Cr.P.C. against inadequacy of the sentence passed in Special Case No. 43/2014 vide judgment dated 1.4.2015 by the Special Judge

[Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act], Raigarh, whereby and whereunder the learned trial Court has convicted the Respondent under Section 323 IPC and sentenced till rising of the Court with fine of Rs.500/-, in default of payment of fine to undergo S.I. for 15 days.

5. Learned Counsel for the Petitioner submits that the sentence passed against the Respondent under Section 323 IPC for causing hurt is inadequate and it is required to be enhanced.

6. Perused the evidence.

7. As per MLC report Ex.P/7 and the statement of Dr. Pushkar Choudhary, the injuries were simple in nature. The trial Court held that the offence is not punishable for life imprisonment. The Respondent is the first offender. The trial Court held that sentence till rising of the Court along with fine of Rs.500/- would serve the ends of justice.

8. On perusal of entire evidence and the impugned judgment, it is clear that the injuries inflicted by the Respondent were simple in nature. I am of the opinion that the trial Court has rightly convicted and sentenced the Respondent as above and the judgment passed by the trial Court requires no interference so far as enhancement of the sentence is concerned.

9. In the facts and circumstances, the appeal is barred by 1 day and no delay condonation application supported with affidavit

has been filed, I am of the opinion that present is not a fit case to admit the instant appeal for consideration and it is liable to be dismissed.

10. Accordingly, the appeal is dismissed at the motion stage.

Sd/

(Chandra Bhushan Bajpai)
JUDGE