

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Miscellaneous Petition No.272 of 2016

State of Chhattisgarh, through Station House Officer, Police Station
Jhilmili, District Surajpur, Chhattisgarh

---- Petitioner

versus

1. Pramod Kumar Sahu, S/o Uma Shankar Sahu, aged about 22 years,
 2. Vinay Kumar Yadav, S/o Shri Ramnath Yadav, aged about 21 years,
 3. Umashankar Sahu, S/o Manpher Sahu, aged about 42 years,
 4. Ramcharan Sahu, S/o Manpher Sahu, aged about 38 years,
- Respondents No.1 to 4 all are R/o Village Badsara, Police Station
Jhilmili, District Surajpur, Chhattisgarh

---- Respondents

and

Criminal Miscellaneous Petition No.314 of 2016

Kailash Ram Sahu, S/o Ramai Ram Sahu, aged about 44 years, R/o
Village Badsara, P.S. Jhilmili, Revenue and Civil District Surajpur,
Chhattisgarh

---- Petitioner

versus

1. Pramod Kumar Sahu, S/o Uma Shankar Sahu, aged about 22 years,
 2. Vinay Kumar Yadav, S/o Shri Ramnath Yadav, aged about 21 years,
 3. Umashankar Sahu, S/o Manfer Sahu, aged about 42 years,
 4. Ram Charan Sahu, S/o Manfer Sahu, aged about 38 years,
- All are R/o Village Badsara, Police Station Jhilmili, Revenue and Civil
District Surajpur, Chhattisgarh
5. State of Chhattisgarh, through the Police Station Jhilmili, District
Surajpur, Chhattisgarh

---- Respondents

For Private Petitioner	:	Shri Pushpendra Kumar Patel, Advocate
For State	:	Smt. Smita Ghai, Panel Lawyer

Hon'ble Shri Navin Sinha, Chief Justice

Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per Navin Sinha, Chief Justice

28/4/2016

1. The Respondents were put to trial in Sessions Case No.98 of 2014
before the 1st Additional Sessions Judge, Surajpur on charges under
Sections 450, 294, 506 Part-II, 323, 325, 307 read with Section 34 of the
IPC. By judgment dated 16.12.2015, Respondent No.1 has been
convicted under Sections 452, 324, 323/34 and Section 506 Part-II IPC
while Respondent No.2 has been convicted under Sections 452, 323,

324/34 IPC and the other two Respondents have been convicted under Sections 325, 323 IPC.

2. Learned Counsel for the State and the private Petitioner challenging the acquittal submitted that exoneration of the charge under Section 307 IPC was not justified against Respondent No.1 as he had caused three injuries on a sensitive part of the human body, the head. Similarly, with regard to Respondent No.3, it was submitted that he had caused grievous hurt by fracture of bone of the hand of Ramai Ram, PW-7. No other grounds were urged before us.

3. We have considered the submissions.

4. According to the medical report of Dharmendra, PW-2, whom Respondent No.1 is alleged to have assaulted with a Farsa, three injuries were caused on the head. Dr. B.C. Paikra, PW-12, who conducted the M.L.C., opined that injury No.3 was simple in nature while for injuries No.1 and 2, he suggested X-Ray and C.T. Scan, respectively. After examination of the report in respect of the same, he found no fracture.

5. We therefore find no reason to interfere with the conviction of Respondent No.1 under Sections 324, 323/34 IPC.

6. Insofar as fracture on the hand of Ramai Ram, PW-7 is concerned, Respondents No.3 and 4 are alleged to have assaulted him. They have already been convicted under Section 325 IPC also.

7. In conclusion, we find no reason to interfere with the conviction as ordered and do not consider it a fit case for enhancement of conviction and sentence.

8. The applications for leave to appeal are dismissed.

9. The Respondents have challenged their conviction in Criminal

Appeal No.1661 of 2015. Needless to say that any observation in the present two applications dismissed by us today can have no bearing and relevance to the appeal preferred by the Respondents which naturally has to be decided on its own merits in accordance with the materials on record.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE