

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRR No. 582 of 2016**

- Rajendra Singh Thakur S/o Late Shri Goverdhan Singh Thakur, Age 55 Years, R/o Village Rengadih, P.S. Magarlod, Tahsil Kurud, District Dhamtari, At Present Resident of Kushalpur, Raipur, District Raipur, Chhattisgarh.

---- Applicant**Versus**

1. Bhagwani Ram Sahu, Aged About 45 Years, S/o Laxmn Sahu [Accused]
2. Sumitra Sahu W/o Bhagwani Ram Sahu, Aged About 40 Years, [Accused]

Both R/o Village Rengadih, Police Station Magarlod, Tahsil Kurud, District Dhamtari, Chhattisgarh.

3. State of Chhattisgarh, Through the Station House Officer, Police Station Magarlod, District Dhamtari, Chhattisgarh.

---- Respondents

For Petitioner : Shri J.K. Gupta, Advocate
For respondent No.3/State : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice P.Sam Koshy**Order On Board****27/06/2016**

1. By way of instant revision petition the applicant has assailed the judgment dated 09/12/2015 passed in Criminal Appeal No. 106/2015, whereby the Additional Sessions Judge (FTC), Dhamtari has affirmed the conviction imposed upon the respondents for the offence under Section 323/34 of the I.P.C.
2. The facts of the case in brief is that the complainant Rajendra Singh Thakur/present applicant said to have assaulted the respondents on 07/11/2013 at about 12 o'clock in noon while the complainant was working in the field. It is

said that the petitioner has apart from abusing also assaulted resulting in injury, on the basis of which a case under Section 294, 506B, 323, 324/34 of I.P.C. was levelled against the present applicant. The trial Court after hearing of the case vide its order dated 11/08/2015 has found the present Respondents to be guilty for the offence under Section 323/34 and sentenced them to stand till rising of the Court and imposed fine of Rs.1000/- each.

3. The said order dated 11.08.2015 passed by the Judicial Magistrate First Class, Kurud, District Dhamtari was assailed by the present Applicant in the Criminal Appeal No. 106/2015 which vide impugned order dated 09/12/2015 finding the judgment of the Trial Court proper and justified affirming the said order dismissed the appeal. It is this order which has been assailed in the present Revision Petition.
4. Learned Counsel for the Applicant submits that the two Court below has not properly appreciated the evidence and in a mechanical manner passed the judgment and the conviction and the sentence imposed on the respondents is to meager sentence for the act committed by the respondents. However perusal of the orders passed by the Magistrate Court as well as the appellate Court there is categorical finding that complainant has not been able to establish the case as to what abuse was made by the respondents against the complainant and therefore in the absence of any evidence in this regard he was acquitted for the offence punishable under Section 294 of I.P.C.
5. Taking into consideration the fact that the statement of (PW-7) Dr. Pushpendra Agrawal clearly reflects all the injuries which were said to have been sustained

by the complainant were simple in nature. Thus taken into consideration the nature of injuries, moreover the reasons for which the dispute arose between the parties, the Court below has imposed the sentence till rising of the Court and fine of Rs. 1000/- each. Thus the two Courts below have not committed any error of law.

6. Accordingly, the revision petition is dismissed.

Sd/-

(P. Sam Koshy)
Judge

K