

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No.1991 of 2000**

Shri Ram, S/o Sukhlal, aged about 40 years, Cultivator, R/o Village Ratkhandi, P.S. Pali, District Korba (M.P.) (now Chhattisgarh)

---- **Appellant**

versus

State of Madhya Pradesh (now Chhattisgarh)

--- **Respondent**

For Appellant	:	Shri Basant Kaiwartya, Advocate
For State/Respondent	:	Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

23.9.2017

1. This appeal has been preferred against the judgment of conviction and order of sentence dated 5.6.2000 passed in Sessions Trial No.4 of 2000 by the 2nd Additional Sessions Judge, Bilaspur convicting the accused/Appellant under Section 324 of the Indian Penal Code and sentencing him to undergo rigorous imprisonment for 6 months.
2. Case of the prosecution, in brief, is that on 30.9.1999 at about 8:00 p.m., Complainant Shankar (PW1) was in his house along with his wife Smt. Nirmala (PW2). The Appellant came there and called the Complainant outside his house and assaulted him with an axe. The son of the Appellant, namely, Lokesh, who was also armed with a *Lathi*, gave him a *Lathi* blow. Since Lokesh was a minor, his case has been separated from the Appellant. First Information Report (Ex.P1) was lodged by Complainant Shankar (PW1). During investigation, the axe was seized from the possession of the Appellant. Complainant Shankar was examined by Dr. S.S. Paikara (PW6). After investigation, a charge-sheet under Sections 294, 341, 323, 324, 506 and 307 read with Section 34 of the Indian

Penal Code was filed. Charges under Sections 307, 341 and 294 of the Indian Penal Code were framed by the Trial Court. The Appellant denied the guilt and claimed trial.

3. After trial, the Trial Court convicted and sentenced the accused/Appellant as mentioned in the first paragraph of this judgment. Hence, this appeal.
4. Learned Counsel appearing for the Appellant submits that he does not press this appeal on merits and confines his argument to the sentence part only. He further submits that the matter is of the year 1999 and out of the total jail sentence of 6 months, the accused has already undergone the period of more than 3 months. He further submits that the accused has no criminal antecedent. Therefore, the jail sentence awarded to the accused may be reduced to the period already undergone by him.
5. On the contrary, Learned State Counsel opposed the appeal and supported the impugned judgment.
6. It is not in dispute that the matter relates to the year 1999 and the accused is facing the *lis* for more than 17 years. He has no criminal antecedent. Out of the total jail sentence of 6 months, he has already undergone the period of more than 3 months.
7. Considering the above facts and circumstances of the case, I am of the considered opinion that the ends of justice would be served if, while upholding the finding of conviction, the jail sentence awarded to the Appellant is reduced to the period already undergone by him.

8. Consequently, the appeal is allowed in part. The conviction imposed upon the Appellant is upheld, but the jail sentence awarded to him is reduced to the period already undergone by him.
9. It is reported that the Appellant is on bail. His bail bonds are not discharged at this stage and the same shall remain operative for a further period of six months from today in view of the provisions contained in Section 437A of the Cr.P.C.
10. Record of the Court below be sent back along with a copy of this judgment forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge