

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Appeal No. 946 of 2008**

Rajulal S/o Latkhor, Caste – Satnami, aged about 50 years, R/o village Selud, Police Station Utai, District Durg (CG)

---- Appellant**Versus**

The State of Chhattisgarh through Police Station Utai, District Durg (CG)

---- Respondent

For Appellant	:	Shri Alok Bakshi, Advocate
For Respondent/State	:	Shri D. R. Minj, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Judgment On Board****07.10.2017**

Since the counsel who had been entrusted from Legal Aid Department is not present in spite of the matter being called on two occasions, this Court took the assistance of Shri Alok Bakshi, advocate for final disposal of the appeal considering the fact that the appeal is of the year 2008.

2. The appellant herein stands convicted for the offence punishable under Sections 307, 326 & 324 of IPC and sentenced to undergo RI for seven years with fine of Rs.500/-, RI for three years with fine of Rs.300/- and RI for two years with fine of Rs.200/- with default stipulations vide judgment dated 30.07.2008 passed by the 9th Additional Sessions Judge (FTC), Durg in S. T. No. 53/2008.

3. The case of the prosecution, in brief, is that on 09.06.2007 the appellant is said to have entered into the house of the complainant and assaulted three persons i.e. Pun Das, his wife Chandrika Bai and their son

Kante with an axe causing injury to them. The matter was immediately reported to the Police Station Utai where the FIR was registered vide Crime No.182/07 and the matter was thereafter put to trial.

4. The trial Court considering the evidences which have come on record particularly the statement of the injured witnesses, the statement of PW-9 Dr. A. K. Sahu and PW-13 Dr. Bhagwat Rai found the appellant guilty for having committed the offence under Section 307, 326 & 324 of IPC and sentenced him as mentioned in para-2 of this judgment.

5. Counsel for the appellant submits that the appellant has been falsely implicated in the case in as much as there is no independent witness to support the case of the prosecution. It was also contended that the present appellant has been falsely implicated on account of enmity between the complainant and the appellant. He submits that it is a case where the nature of injury sustained by Pun Das and his wife Chandrika Bai were not grievous enough so as to attract the offence punishable under Section 307 of IPC. Hence, prayed for the judgment of conviction being set aside.

6. State counsel however, opposes the appeal on the ground that the prosecution has been able to prove its case beyond all reasonable doubt in as much as the injured witnesses themselves had entered the witness box and deposed against the appellant. He submits that the appellant is closely related to the injured persons which all the more goes against the appellant. State counsel further submits that the nature of injury sustained by Pun Das and his wife Chandrika Bai is by itself self explanatory as is evident from the deposition of PW-9 Dr. A. K. Sahu and PW-13 Dr. Bhagwat Rai which shows that the appellant has been rightly found to be guilty of the offence punishable under Sections 307, 326 and 324 of IPC. Thus, prayed for rejection of the appeal.

7. Having considered the rival contentions put forth on either side and on perusal of the record particularly the statement of Pun Das PW-3, Chandrika Bai PW-2 and Kante PW-1 who have categorically deposed against the present appellant and have also specifically mentioned the name of the appellant in commissioning of the offence, the case of the prosecution stands established. Further the evidence of PW-9 Dr. A. K. Sahu who took the X-ray and PW-13 Dr. Bhagwat Rai who treated the injured persons also reflects the gravity of injury sustained by the three injured persons. The weapon of assault used is an axe which further supports the case of the prosecution for fastening the charge under Sections 307, 326 & 324 of IPC.

8. For the aforesaid reasons, this Court is of the opinion that no strong case is made out by the appellant calling for an interference with the impugned judgment of conviction.

9. The appeal thus being devoid of merits deserves to be and is accordingly dismissed.

10. The Office report shows that the appellant has already completed his jail sentence and has been released from jail on 02.05.2011. Hence, no further step is required to be taken.

Sd/-

(P. Sam Koshy)
JUDGE