

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 212 of 2004**

1. Jeevan Lal S/o Munshi Lal Lodhi, aged about 60 years.
2. Nand Lal S/o Jeevan Lal Lodhi, aged about 27 years.

Both R/o village Sukhari Kala, P.S. Bori (O.P.) Tahsil Dhamadha,
District Durg (C.G.)

----Applicants

Versus

- State of Chhattisgarh.

---- Respondent

For Applicants	:	Shri Praveen Dhurandhar, Advocate.
For State/Respondent	:	Shri Ravindra Agrawal, P.L.

Hon'ble Shri Justice Pritinker Diwaker**Order On Board****10/05/2017**

01. The present Revision petition is directed against the judgment and order dated 04.03.2004 passed by 1st Additional Sessions Judge, Durg, in Cr.A.No.10/2003 affirming the judgment and order dated 30.12.2002 passed by Judicial Magistrate First Class, Durg in Criminal Case No.1518/2002 convicting the applicants under Section 324 IPC and sentencing them to pay fine of Rs.1,000/-, in default of payment in fine amount to undergo R.I. for two months.

02. Brief facts of the case are that on 25.05.1996 a panchayat meeting was convened for selection of Secretary and in the said meeting some hot words were exchanged between the panch members, therefore, the meeting was called-off and when Panch Bai (PW/2) - Upsarpanch was going towards her house, on the way the present applicants caused injury to her by sickle. When Teksingh (PW/4), husband of PW/2, tried to intervene in the matter, he

too was assaulted by the applicants. On the same day, FIR was lodged by Panch Bai (PW/2) based on which offence under Section 324 IPC was registered against the applicants. Injured Panch Bai (PW/2) and Tek Singh (PW/4) were medically examined vide Ex.P/4 and P/5 by Dr. P.D. Chandravanshi (PW/9) who noticed one lacerated injury of 2 x 1/6 x 1/8 inch on left side of parietal bone of PW/4 and one incised injury of same size over left side of back of PW/2. The doctor has opined that the injuries sustained by the injured were simple in nature.

03. After completion of investigation, charge sheet was filed against the applicants under Section 324 IPC and accordingly the charge was framed against them by the trial Court.

04. So as to hold the applicants guilty, the prosecution examined as many as 11 witnesses. Statements of the applicants were also recorded under Section 313 of Cr.P.C. in which they denied the circumstances appearing against them in the prosecution case, pleaded innocence and false implication. In their defence, they examined one J.S. Jangi as DW/1.

05. Vide judgment and order dated 31.12.2002 the trial Magistrate has convicted the applicants under Section 324 IPC. The judgment of the trial Court has been duly affirmed by the appellate Court vide impugned judgment dated 04.03.2004, hence this revision.

06. Counsel for the applicants submits as under :-

- That on account of political rivalry the applicants have been falsely implicated in the crime in question. He further submits that even if the medical reports Ex.P/4 and P/5 of the injured persons are taken as it is, at best the offence under Section 323 of IPC is made out.

- That so called witnesses were also having inimical relation with the applicants and that is why they have been falsely implicated in the crime.

07. On the other hand, supporting the impugned judgment it has been argued by the State counsel that the conviction of the applicants is in accordance with law and there is no infirmity in the same. He further submits that the Courts below have taken very lenient view while imposing the sentence of fine amount. He also submits that medical reports Ex.P/4 and P/5 of the injured persons duly support the prosecution case.

08. Heard learned counsel for the parties and perused the material available on record.

09. Panch Bai (PW/2) has stated that a panchayat meeting with regard to selection of Secretary was convened in which some hot words exchanged between the panch members and when she was going towards her house, the applicants caused injury on her back. Tek Singh (PW/4) - husband of PW/2 has stated that when he was in his house, he was informed by one Chaina Bai that applicants were assaulting his wife. On hearing this, he rushed to the spot and tried to intervene in the matter but the applicants have also assaulted him on his head. Apart from these witnesses, Balaram (PW/5), Gendi Bai (PW/8) and Kamla (PW/10) have also supported the prosecution case. The statements of injured eye-witnesses PW/2 and PW/4 duly corroborated by the medical reports Ex.P/4 and P/5.

10. Close scrutiny of the evidence makes it clear that it is the applicants who had caused injuries to PW/2 and PW/4. Statements of

injured persons find support from the evidence of other independent witness namely PW/5, PW/8, PW/11 and injury reports Ex.P/4 and P/5. Considering all these aspects of the case, both the Courts below have arrived at a conclusion that the prosecution has successfully proved its case beyond the shadow of all reasonable doubt and held them guilty under Section 324 IPC, which has been subsequently affirmed by the appellate court also. This Court finds no reason to interfere with the well reasoned findings recorded by both the Courts below.

11. In the result, the revision preferred by the applicants being bereft of any substance is liable to be and is hereby dismissed.

Sd/-

(Pritinker Diwaker)

JUDGE