

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**CRA No.50 of 2005**

Chaitu S/o Budhu, aged about 25 years, Caste : Media, R/o Shorgaon, Navagudapara, P.S.Bhanpuri, District Bastar.

**--- Applicant**

**Versus**

State Of Chhattisgarh Through Station House Officer, P.S.Bhanpuri, District Bastar.

**---Non-applicant**

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|---------------|---|-------------------------------|
| For Applicant | : | Ms.Sharmila Singhai, Advocate |
| For State     | : | Shri Anil S.Pandey, G.A.      |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**07/10/2017**

1. Present is the jail appeal preferred by the applicant assailing the judgment of conviction dated 30/10/2004 passed by the 4th Additional Sessions Judge, Jagdalpur in Sessions Case No.224/2004. Vide the said impugned judgment, the trial court found the applicant guilty committing the offence punishable under Section 304 (II) of the I.P.C. and sentenced to undergo R.I. for 10 years and have also been convicted for the offence punishable under Section 323 of the I.P.C. and sentenced to undergo R.I. for one year.
2. The applicant was taken in custody on 17/07/2004 and after completion of his entire jail sentence, he has been released from jail on 09/06/2009.
3. The case of the prosecution is that, the present applicant had assaulted with a wooden stick on the victim, his real brother, and there was the evidence of only one assault on the head resulting in the death of the deceased-Bodda.

4. Perusal of the record would reveal that, there is an eye-witness to the incidence i.e. Mangaldei – PW-2 whose evidence before the trial court has got un-controverted.

5. Considering the evidence which have come on record, particularly, the eye-witness, this court does not find any scope of interfering with the impugned judgment of conviction.

6. Since the applicant has already undergone the entire jail sentence, there is no point in considering the sentence which has been awarded by the trial court.

7. Thus, the appeal preferred by the applicant having no merits deserves to be and is accordingly rejected.

**Sd/-  
(P. Sam Koshy)  
Judge**

Sumit