

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No.827 of 2009

(Arising out of judgment/order dated 30.09.2009 in S.T. No. 342/2004 of the learned Third Additional Session Judge, Bastar at Jagdalpur)

- Navin Chandro Dhanpal s/o Sachchidanand, R/o of Mission Compound, Navarangpur Hall, Jharigudpara, Dabgaon, Navarangpur (Orissa)

---- Appellant

Versus

- State Of Chhattisgarh

---- Respondent

For Appellant	:	Shri Ashok Dixit, Advocate
For State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

JUDGMENT ON BOARD

09.12.2017

1. This is an office reference.
2. In this Criminal Appeal the challenge is levied to the judgment of conviction and order of sentence passed by the Third Additional Session Judge, Bastar at Jagdalpur on 30.09.2009 in S.T. No. 342/2004 whereby and whereunder the appellant was convicted for the offence under Section 304 Part-II of the Indian Penal Code (hereafter called as 'IPC') and sentenced to undergo rigorous imprisonment of 5 year and fine of Rs.10000/-, in default of payment of fine, additional R.I. for 1 year.
3. In brief, the prosecution story is that the deceased Phoolo Bai was suffering from disease of goiter. On 30.07.2004 at 14:30 hrs. in

village Sanghkarmari the appellant started to commit operation of goiter of the deceased. During the operation the deceased died. The husband of the deceased intimated to Police Station Karpaband where the merg intimation has been lodged. After completion of the investigation, the charge-sheet has been filed against the appellant. After conclusion of the trial, the Trial Court convicted and sentenced the appellant as aforementioned.

4. A report dated 10.10.2017 from the office of the Superintendent, Central Jail, Jagdalpur, District - Bastar has been received. As per the report, the appellant has been released on 16.09.2011 on completion of sentence after giving benefit of remission.

5. As per the alleged post-mortem Ex.P/1, Dr. Smt. Chandra Rao and P.W.1 Dr. Sunil Yadav had performed the post-mortem on the dead body of the deceased and found one incised wound on neck, right thyroid vessel and external vessel were cut, trachea was also cut, injuries were caused by hard and sharp object. They opined that the cause of death was due to severe hemorrhage and asphyxia.

6. P.W.3 Daya Ram who is the husband of the deceased says in para-1&2 of his statement given on oath that the appellant had started the operation of goiter of the deceased and ultimately she was found dead. P.W.2 Lakhmu Ram, P.W. 4 Ghano and P.W.5 Sonaghar say the same fact in para-1&2 of their statement given on oath. As per the seizure Ex. P/5 and Ex. P/6 some articles have been seized.

7. Looking to the above mentioned circumstances, this Court finds that the trial Court has not committed any illegality in convicting and sentencing the appellant as mentioned above.

8. Hence, the appeal deserves to be and is hereby dismissed.
9. As the appellant has already been set at liberty after completion of sentence, no further order is required.

Sd/-
(Sharad Kumar Gupta)
JUDGE