

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No.450 of 2010

(Arising out of judgment/order dated 30.07.2009 in S.T. No. 125/2008 of the learned First Additional Session Judge, Raigarh)

- Jhingo Bai Yadav W/o Gangaram Yadav, Occupation - Agriculture House, Lady R/o Vill. Newar Ps Dharamjaigarh, Raigarh (C.G.)

---- Appellant

Versus

- State Of Chhattisgarh, Through Police Station – Dharamjaigarh, District – Raigarh (C.G.)

---- Respondent

For Appellant	:	Shri Ramakant Pandey, Advocate
For State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

JUDGMENT ON BOARD

09.12.2017

1. In this Criminal Appeal the challenge levied is to the judgment of conviction and order of sentence passed by the First Additional Session Judge, Raigarh on 30.07.2009 in S.T. No. 125/2008 whereby and whereunder the appellant was convicted for the offence under Section 307 of the Indian Penal Code (hereafter called as 'IPC') and sentenced to undergo rigorous imprisonment of 7 year and fine of Rs. 2000/-, in default additional R.I. for 3 months.

2. In brief the prosecution story is that on 23.09.2008 at 5 pm when the complainant Til Kunwar was returning back to her house, the appellant came from front and caused injuries on her head by sharp edge of an axe. The complainant lodged report on the very day at

Police Station Dharmjaighr. After completion of the investigation, the charge-sheet was filed against the appellant. After conclusion of the trial, the Trial Court convicted and the sentenced the appellant as mentioned above.

3. A report dated 11.10.2017 from the office of the Superintendent, Central Jail, Bilaspur has been received. As per the report the appellant has been released on completion of sentence after giving benefit of remission on 11.12.2012.

4. As per the alleged medical examination report Ex. P/4, P.W.4 Dr. Arjun Singh Thakur has examined the complainant Til Kunwar and found one incised wound on the forehead, one incised wound on the right side of nose, one incised wound on right side of upper lip. He also found after examination of X-ray report, Ex. P/5 that right frontal bone of the complainant was cut and it was grievous in nature.

5. As per the query report Ex. P6 he opined that death was possible if the treatment not given immediately.

6. P.W.3 Til Kunwar says in para-1 of her statement given on oath that the appellant had caused injury on her forehead by the sharp edge of the axe.

7. P.W. 5 Rati Ram says in para-1 of his statement given on oath that the appellant and complainant were snatching hair of each other. The appellant had an axe.

8. P.W. 8 Sabina Uraon in para-1 of her statement given on oath that the complainant had told her that the appellant had caused injury by axe.

9. 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.

10. Hence, the appeal deserves to be and is hereby dismissed.

11. As the appellant has already been set at liberty after completion of sentence, no further order is required.

Sd/-
(Sharad Kumar Gupta)
JUDGE