

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRA No. 646 of 2006**

- Bahal Das Manikpuri, aged about 57 years, S/o Raruha Das Manikpuri, Resi- Village - Kolihapuri, PS Pulgaon, Distt Durg (CG)

**---- Appellant**

**Versus**

- State of Chhattisgarh, through Police Station Pulgaon, Distt- Durg (CG)

**----Respondent**

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For Appellant : None appears  
For Respondent/State : Shri Suryakant Mishra, Panel Lawyer  
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**Hon'ble Shri Justice Sharad Kumar Gupta**  
**Order on Board**

**09.12.2017**

1) In this Criminal Appeal, the challenge is levied to the judgment of conviction and order of sentence dated 26.07.2006 passed by the learned Sessions Judge, Durg (CG), in Sessions Trial No.51 of 2006, whereby and whereunder the appellant has been convicted for the offence punishable under Section 326 of the IPC and sentenced to undergo RI for five years and to pay fine of Rs.500/-; in default of payment of fine amount, to further undergo RI for one month.

2) In brief, the prosecution story is that on 02.11.2005, at 10.30 am complainant- Dashrath asked the appellant, Village Kotwar, as to why he was doing Cannabis business. Then the appellant assaulted Dashrath and caused injuries on his hand and

head by an axe. Dashrath intimated the incident to the Police Station Pulgaon, where Dehati Nalishi was lodged. After completion of the investigation, charge-sheet had been filed against the appellant. The trial Court has examined as many as fifteen witnesses and on completion of the trial, convicted and sentenced the appellant as above mentioned.

3) As per report dated 08.11.2017 from the Office of the Jail Superintendent, Central Jail, Durg, the appellant has been released on 20.12.2008 after completion of the jail sentence.

4) Learned counsel for the appellant submits that there is no direct evidence against the appellant and the appellant has been falsely implicated in the case.

5) Learned State counsel supported the impugned judgment of conviction and order of sentence and submitted that the appellant has rightly been convicted and sentenced on the basis of the evidence available on record.

6) As per the alleged report of the medical examination of the appellant (Ex.P/10), Dr VS Baghel (PW-8) had examined the complainant and found one incised wound on the right parietal region caused by hard and sharp object. He also found one bruise on the right hand caused by hard and blunt object.

7) Dr AK Sahu (PW-11) on examination of the x-ray, found a fracture on front parietal bone of the skull of the complainant vide Ex.P/4.

8) Complainant- Dashrath (PW-1) in para- 1 of his statement on oath says that the appellant had caused an injury on his head by an axe.

9) Jitendra Kumar (PW-3) in para- 1 of his statement on oath says that the complainant and the appellant were snatching an axe and rod from each other. The complainant was injured.

10) Hemlal (PW-4) in para-2 of his statement on oath states that the complainant had told him that the appellant had caused injury on his head by an axe.

11) In the alleged Dehati Nalishi, Ex.P/1, the incident has been described including the role of the appellant.

12) Looking to the above-mentioned circumstances, this Court finds that the trial Court has not committed any error in convicting and sentencing the appellant as mentioned above.

13) Thus, the appeal being devoid of substance, deserves to be dismissed and it is hereby dismissed.

14) As the appellant has already been released on 20.12.2008 after completion of the jail sentence, no further order is required.

Sd/-  
**(Sharad Kumar Gupta)**  
**Judge**