

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Appeal No. 90 of 2005**

Raj Kumar Suryavanshi S/o Dubey Ram Suryavanshi, aged about 33 years,
R/o village Ghanapara Ghutaku, P.S. Sarkanda, District Bilaspur (CG)

---- Appellant**Versus**

The State of Chhattisgarh through P.S. Sarkanada, District Bilaspur (CG)

---- Respondent

For Appellant	:	Ms. Usha Chandrakar, Advocate
For Respondent/State	:	Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Judgment On Board****07.10.2017**

The appellant in the instant case stands convicted for the offence under Section 307 of IPC and sentenced to undergo RI for five years with fine of Rs.1,000/-, in default of payment of fine to further undergo RI for three months vide judgment dated 14.01.2005 passed by the Sessions Judge, Bilaspur in S. T. No. 290/2004.

2. The case of the prosecution, in brief, is that on 14.06.2004, the appellant is said to have assaulted complainant Shankar Lal (PW-1) with Bhujali (a long knife) causing multiple grievous injuries to him.

3. During the course of trial the prosecution examined as many as 9 witnesses. After conclusion of trial, the Court below found the appellant guilty for having committed the offence under Section 307 of IPC and sentenced him to undergo RI for five years with fine of Rs.1,000/- with default stipulation leading to the filing of the present appeal.

4. Counsel for the appellant submits that the nature of injury sustained

by the appellant itself would show that there was no intention of the appellant for committing the offence under Section 307 of IPC nor was there any intention to kill the injured, therefore, the offence under Section 307 is not made out and prayed for quashment of the impugned judgment of conviction.

5. State counsel, however, opposing the appeal submits that the case of the prosecution has been established beyond all reasonable doubt by leading evidence of the complainant as well as the eye witnesses. In addition, the injuries sustained by complainant have been proved and established by Dr. S. K. Mishra P.W.7. Thus, there is no scope of interference with the impugned judgment and prayed for rejection of the appeal.

6. Having considered the rival contentions put forth on either side and on perusal of the record what clearly reflects from the evidence is that the complainant PW-1 has categorically deposed in respect of the assault made by the appellant. There has been no substantive cross-examination made with which the deposition of PW-1 could be doubted, of it being false and baseless. In addition, the two eye witnesses namely Malik Ram PW-2 and Salik Ram PW-3 both have supported the case of the prosecution and also clearly corroborated the deposition of PW-1 complainant. So far as the injuries sustained by the complainant is concerned, the same have been proved and established by Dr. S. K. Mishra (PW-7) who has categorically deposed that there were 9 injuries found on the body of the complainant PW-1. A plain reading of the report of the doctor itself would show that few of the injuries were on the vital parts of the body and were grievous in nature.

7. Considering the deposition of the eye witnesses PW-2 and PW-3 as also the doctor PW-7, this Court is of the opinion that the case of the

prosecution stands proved and established beyond reasonable doubts. Further, the appellant has not been able to show any substantive material to take a different view than what has been taken by the Court below. Thus, this Court does not find any infirmity or illegality on the part of the Court below in holding the appellant guilty for the offence punishable under Section 307 of IPC.

8. The appeal thus fails and is accordingly dismissed.

9. The Office report shows that the appellant has been released from jail on completion of his jail sentence on 26.06.2007. Hence, no order for his surrender etc. is required.

Sd/-
(P. Sam Koshy)
JUDGE