

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1108 of 2012

(Arising out of judgment dated 17-10-2012 passed by the Sessions Judge, Jashpur, in ST No.102/2011)

- Saldeo Ram S/o Lanja Ram Nageshiya Aged About 45 Years R/o Village Dangari, Out Post Pandrapath, Ps Bagicha, Distt. - Jashpur C.G.

---- Appellant

Versus

- State Of Chhattisgarh Through : Station House Officer, P.S. Bagicha, Distt. - Jashpur C.G.

---- Respondent

For Appellant	Shri Vipin Singh, Advocate
For Respondent/State	Shri P.K. Bhaduri, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

09/09/2017

1. The appellant has allegedly attempted on the life of his wife Sulmait Bai at 4.00 P.M on 21.08.2011 causing injuries over her hand and head by means of axe. Thus, the appellant has been convicted under Section 307 IPC and has been sentenced to undergo R.I. for 5 years and fine of Rs. 1,000/- in default of payment of fine to undergo additional R.I. for one month. The appellant is in jail since 21-8-2011. He was never released on bail either by the

trial Court or by this Court in the present appeal. Thus, he has served out the entire jail sentence and the default sentence as well.

2. On account of dispute between the appellant and his wife, injured Sulmait Bai, she was residing separate in her parental house. At 4.00 P.M on 21.08.2011, the appellant reached to the injured's house while armed with an Axe and suddenly started inflicting injuries on the person of the injured over her right hand, right ribs and frontal part of the head.
3. The prosecution case is fully proved by the statement of injured (PW-1) Sulmait Bai supported and corroborated with the medical evidence rendered by (PW-6). Dr R.N Dubey who found two incised wounds on the right hand, one incised wound on the right ribs and one incised wound over the parietal region. In addition, the version put forth by the victim is further corroborated by (PW-2) Kuwar Sai (Brother of the injured), (PW-3) Bulni Bai (Mother of the injured).
4. Shri Vipin Singh, learned counsel for the appellant would submit that on account of marital dispute, there was some altercation in which the injured suffered injuries by accident, therefore, conviction under Section 307 IPC deserves to be set aside.

5. Learned State Counsel would support the impugned conviction.
6. Considering the evidence available on record in the nature of statement of the injured, her brother and her mother as well as the medical report, the prosecution case is fully proved. There being history of previous marital dispute and for the fact that the appellant and the injured were not residing together but the appellant reached out to his in-laws' on the date of incident with a view to inflict injuries over the person of his wife, it is a case of pre-meditated act which the appellant nurtured and went to his in-laws' house with definite plan in his mind. One of the injuries having caused over the parietal region, a vital part of the body, the offence committed by the appellant falls under Section 307 IPC and the learned trial Court has not committed any illegality by convicting and sentencing the appellant in the manner indicated above.
7. In the result, the appeal, *sans* merit, is liable to be and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

