

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 153 of 2005

Ramkripal Panika, S/o. Sadanand Panika, Aged 25 years,
Occupation Agriculture, R/o. Village Chirga, P.S. Batauli, District
Sarguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through S.H.O. P.S. Batauli, District
Sarguja (C.G.)

---- Respondent

For Applicant : Mr. Aditya Chopda, Advocate.
For Respondent : Ms. M Asha, Panel Lawyer.
Accused/applicant is also present.

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

26.11.2018

By the judgment under challenge passed on 03.03.2005 by
Additional Sessions Judge Ambikapur, District Sarguja in Criminal
Appeal No. 193 of 2004, the findings recorded by the learned
Judicial Magistrate First Class Ambikapur, convicting the
accused/applicant under Section 324 IPC and sentencing him to
undergo RI for six months have been affirmed.

2. Facts of the case, in short, are that on 24.06.1998, the
accused/applicant suspecting his wife Urmila Bai (PW-1) of
having illicit relations with one Janeshwar Kumar of village
Chirga, caused injuries to her with an axe-like weapon. On report

being lodged by her, an offence under Section 324 IPC was registered, she was medically examined and after completion of investigation charge sheet was filed against the accused/applicant.

3. Learned Magistrate having perused the material before it convicted the accused/applicant under Section 324 IPC and sentenced him as above, which on appeal has been affirmed by the judgment impugned. Hence, this revision.

4. Conviction is not being pressed on merit and the sole prayer made by the counsel for the applicant is confined to reduction of sentence imposed on the accused/applicant to the period already undergone on account of the fact that the case is quite old and the accused/applicant has already remained in jail for some time.

5. State counsel however, supports the findings recorded by the both the Courts below.

6. Heard learned counsel for the parties and perused the judgment impugned and the evidence available on record carefully.

7. From the statement of the victim (PW-1) which has been duly supported by other witnesses including that of doctor (PW-2) who noticed one incised wound, six contusions and swelling on various parts of her body, the findings of conviction recorded by both the Courts below appear to be fully justified. It is hereby maintained.

8. As regards sentence, keeping in view the fact that the incident had taken place in the year 1998, that the accused/applicant has already remained in jail for a period of fifty five days and further that by now he must be leading a well settled life saddled with innumerable responsibilities, this Court thinks it proper to reduce the sentence imposed on him to the period already undergone. Order accordingly.

9. With the above, the revision stands allowed in part.

Sd/-

(Vimla Singh Kapoor)

JUDGE

Jyotishi/Santosh