

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 448 of 2009

Khemlal S/o. Kriparam Verma, Aged about 34 years, R/o. Village
Magarwai, Police Station Baloda Bazar, District Raipur (C.G.)

----Applicant

Versus

State of Chhattisgarh, Through Police Station Balodabazar,
District Raipur (C.G.)

---- Respondent

For Applicant	: None
For Respondent/ State	: Mr. Sanjeev Pandey, G.A.

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board passed on 12.12.2018

By the judgment under challenge passed on 07.09.2009 by
Additional Sessions Judge Balodabazar, District Raipur in Criminal
Appeal No. 11 of 2009, the findings recorded by the learned
Judicial Magistrate First Class Balodabazar, convicting the
accused/applicant under Section 325 IPC and sentencing him to
undergo RI for six months and pay fine of Rs. 200/- with default
stipulation have been affirmed.

2. Case of the prosecution, in brief, is that on 13.11.2004 after
immersion of idol of goddess Gaura, the accused/applicant
started assaulting Punit Ram (PW-1) with club and when one
Sanjay intervened in the matter, he too was inflicted injuries
with club. In the incident, Punit Ram (PW-1) suffered injuries on

shoulders and back whereas Sanjay on shoulder and left toe. After filing of report by (PW-1) and medical examination of both the injured persons, charge sheet was filed against the accused/applicant under Sections 325 and 323 IPC.

3. Having taken into consideration the material on record, the trial Court convicted the accused/applicant under Sections 325 IPC and sentenced him to undergo RI for six months with fine of Rs. 200/-. On appeal, learned lower appellate Court has affirmed the same. Hence, this revision.

4. There is a certificate dated 11.04.2017 issued by Government of Chhattisgarh which shows that the accused/applicant herein died on 03.05.2017 i.e. during the pendency of this revision. However, this Court has to decide the case on its own merits, in view of the order passed by the Constitution Bench of Supreme Court in the matter of **Pranab Kumar Mitra v. State of WB reported in AIR 1959 SC 144.**

5. Here in this revision the applicant/accused remained unrepresented. State counsel however supports the judgment under assail and submits that the Courts below have recorded the well reasoned finding while writing the judgment impugned and therefore, no interference there-with is needed by this Court.

6. Heard the State counsel and perused the evidence on record.

7. Having heard counsel for the State and perused the material available on record including the evidence of PW-1 and the medical report Ex.P-3 containing the injuries as opined by doctor

namely R.S. Tiwari (PW-4) i.e. contusion in the size 23x3 cm coupled with redness, swelling and excessive pain caused by some hard and blunt object; taking into consideration the x-ray report Ex.P-4 showing fracture on scapula bone and further taking into account the seizure of bamboo club made from the possession of the accused/applicant under Ex P-2, this Court does not see any legal error in the findings recorded by both the Courts below convicting the accused/applicant under Section 325 IPC and imposing the sentence as show above. The judgment impugned is hereby maintained.

8. Revision therefore being without any substance is liable to be dismissed and it is dismissed as such.

Sd/-
(Vimla Singh Kapoor)
JUDGE

Jyotishi/ Santosh