

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**ACQA No. 50 of 2015**

1. Ramit Verma S/o Dr. R.J.P.Verma Aged About 40 Years,
2. Ranjeet Verma S/o Dr. R.J.P.Verma Aged About 39 Years,

Both R/o Balaji Awasiya Parisar, Near Uslapur Flyover,
Mungeli Road, Bilaspur, P.S. And Post. Bilaspur, Civil And
Revenue District Bilaspur, Chhattisgarh.

----Appellants**Versus**

1. State Of Chhattisgarh Through In Charge Of Police Station,
Chakarbhata, Bilaspur.
2. Ravidas S/o Ramudas Manikpuri Aged About 22 Years,
3. Ramudas Manikpuri S/o Gulamdas Manikpuri Aged About
42 Years, No. 2 & 3 Anand Nagar, Ameri P.S. And Post.
Chakarbhata, Civil And Revenue District Bilaspur,
Chhattisgarh.

---- Respondents

For Appellants	Shri Manoj Paranjpe & Shri Vikram Dixit, Advocates.
For State	Shri P.K. Bhaduri, Government Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Hon'ble Shri Justice Ram Prasanna Sharma****Order On Board****By****Shri Prashant Kumar Mishra J.****10/05/2018**

1. Challenge in this acquittal appeal is to the judgment

rendered by the trial Court, whereby the accused persons have been acquitted of the charge under Section 307 IPC and have been convicted by altering the said charge under Section 323/34 IPC.

2. The accused persons were working as Carpenter in the house of the injured persons. On allegation that having obtained the payment in advance, the accused refused to complete the work, the injured persons went to the house of the accused and requested them either to complete the work or refund the amount. At this point of time, an altercation took place whereafter the accused persons inflicted injuries over the forehead, shoulder and other parts of the body by means of the instruments which the Carpenters use in their profession.
3. The trial Court has opined that considering the medical evidence and the deposition of (PW-1) Dr. Raj kumar Markam, it does not appear that the injured persons had sustained such grievous injury sufficient to cause death in the ordinary course of nature.
4. We have carefully scrutinized the entire record.
5. The only point urged in this appeal is that the accused persons should have been convicted under Section 307 IPC. However, considering the medical evidence and the statement rendered by the medical expert (PW-1) Dr. Raj Kumar Markam, it appears the injuries caused to the complainants were simple in nature and were not sufficient to cause death in the ordinary course of nature.
6. The injuries were not caused by using any lethal weapon; those were instruments used by the Carpenters in their profession. Had there been any intention on the part of the

accused persons to attempt to commit murder of the injured persons, they would have used any weapon or would have caused such serious injuries which might result in death.

7. In absence of these factors, the trial Court is fully justified in recording a finding that the offence under Section 307 IPC is not made out. The appeal has no substance, it deserves to be and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Sd/-

Judge

Ram Prasanna Sharma

Akhilesh