

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.A. No. 223 of 2018

Laxminath Gawde, S/o. Late Shri Mangal Ram, Aged About 28 Years, R/o,
Village Eragaon, Police Station – Eragaon, District -Kondagaon, Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh, Through : Police Station Eragaon, District –
Kondagaon, Chhattisgarh.

-----Respondent

For Appellant	: Mrs. Ranjana Jaiswal, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/12/2018

1. This appeal has been preferred against the judgment of conviction and order of sentence, passed by the Additional Sessions Judge, Kondagaon (C.G.), in Sessions Trial No.88/2015 on 08.12.2017, convicting the appellant for the offence under Section 324 of the Indian Penal Code and sentencing him for imprisonment for a period of 3 years and fine of Rs.500/- and in default of payment of fine, R.I. for one month more.
2. The case of the prosecution is this that the on 09.02.2015 at about 5.30 PM in the evening this appellant with intention to cause death of the victim, Ishwar Singh (P.W.-1) assaulted him with a knife

causing injuries to him. FIR (Ex.P-1) was lodged by Harish Chandra Singh (P.W.-2). Investigation was conducted and after completion of investigation, charge-sheet was filed before the concerned Court.

3. Appellant was charged with offence under Section 307 of the Indian Penal Code. The appellant denied the charges and prayed for trial. The prosecution examined as many as 9 witnesses on its behalf. On examining the appellant under Section 313, he denied all the incriminating evidence against him and pleaded innocence and false implication. No witness was examined in defence. On completion of trial, judgment has been delivered, in which the appellant stands convicted and sentenced as mentioned aforesaid.
4. It is submitted by the learned counsel appearing on behalf of the appellant that no case is made out for conviction of the appellant according to the evidence present on record of the trial Court. It is also submitted that the appellant is in jail since 11.02.2015 and till date he has not been released on bail. Although the application for suspension of sentence was allowed by this Court but because of non-furnishing of bail bonds, he was not released on bail. Now he must have completed his jail sentence and released from the jail.
5. Counsel for the State opposes the grounds raised in appeal and the submissions made in this respect. It is submitted that the prosecution has proved its case beyond all reasonable doubts. Hence there is no room for interference in the impugned judgment, hence, the appeal be dismissed.

6. I have heard the learned counsel for the parties and perused the record of the Court below.
7. After perusing the evidence of all the witness of the case, and considering on the same, I am of this view that the trial Court has not committed any error in convicting the appellant for the offence as aforesaid and sentencing him accordingly.
8. Therefore I do not find any substance in this appeal. Accordingly, the appeal is dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge