

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 701 of 2001

- Triveni Madhav S/o. Laxmandas, aged about 25 years, Caste Panika, Occupation Agriculture, R/o. Village Bhandartoli Marol, P.S. Kansabel, Distt. Jashpur CG

---- Appellant

Versus

- State Of C.G. Through P.S. Kansabel, district Jashpur CG.

---- Respondent

For Appellant	: Shri Rishi Kant Mahobia, Advocate
For Respondent/State	: Shri Lav Sharma, P.L.

Hon'ble Smt. Justice Rajani Dubey

Judgment on Board

20/07/2018

This appeal arises out of judgment and order dated 30.07.2001 passed by the Third Additional Sessions Judge (FTC), Jashpurnagar district Jashpur (CG) in S.T. No. 212/2000 convicting the accused/appellant under Section 325 IPC and sentencing him to undergo RI for two years.

2. As per prosecution case, on 16.06.2000 at about 9.00 a.m., Panduram went to sow the crops in the field, accused/appellant s came there and asked him as to what was he doing in their field and then Pandu Ram ran away from there. Accused/appellant Madho Das chased him carrying axe and assaulted him on his left leg as a result of which he sustained grievous injury. FIR Ex.P-15 was lodged at police line Jashpur under Section 302/34 IPC. Immediately injured

Pandruram was taken to Police station on a bicycle and at his instance entry was made in the rojnamcha sanha, he was sent for medical examination to primary health Centre, Kunkuri from where he was referred to hospital at Ambikapur where he was examined by Dr. Ashok Kumar Sanyal (PW-9) vide Ex.P-11 who noticed fracture of left tibia and fibula bone of left leg. During treatment he succumbed to the injuries sustained by him. After investigation, charge sheet was filed against him under Section 302/34 IPC.

3. In support of its case, prosecution has examined 11 witnesses. Statement of the accused/appellant was also recorded under Section 313 of the Code of Criminal Procedure in which he denied the charges levelled against him and pleaded his innocence and false implication in the case.

4. After hearing the parties, the trial Court by judgment impugned, has convicted and sentenced the accused/appellant as mentioned in paragraph 1 of the judgment. Hence the present appeal.

5. Counsel for the appellant submits that the accused/appellant has been falsely implicated in the crime in question. He submits that the incident took place about 18 years back, appellant has already remained in jail for about 8 months and therefore his sentence be reduced to the period already undergone by him.

6. On the other hand State counsel supports the impugned judgment and submits that the conviction of the accused/appellant is in accordance with law and there is no infirmity in the same.

7. Heard counsel for the parties and perused the material

available on record.

8. Close scrutiny of the evidence makes it clear that there was already some land dispute between the accused/appellant and the deceased and the injured Pandruram and on the date of incident, accused/appellant caused injuries to the victim with an axe as a result of which he sustained number of injuries including fracture of left tibia and fibula bone of left leg. At the instance of injured, prompt FIR was registered and in the court the Investigating Officer (PW-11) also supported his version. Moreover the medical report also supports the prosecution case. The complicity of the appellant in the commission of the offence has been duly proved. It is apparent that the injuries sustained by the victim were caused by the accused/appellant with axe.

9. Considering the nature of injuries sustained by the victim, offence under Section 325 IPC is made out against the appellant. Thus looking to the act of appellant and the evidence adduced by the prosecution, his conviction under Section 325 IPC appears to be justified.

10. Thus, taking into considering the fact that the incident occurred out of anger as there was some land dispute and the victim on the date of incident was seen in the field of accused/appellant, looking to the facts and circumstances of the case and keeping in mind the fact that the incident occurred in the year 2000, appellant by now must be a middle aged person, he remained in jail for about 8 months, I am of the view that ends of justice would be served if the sentence imposed on him is reduced to the period undergone by him. Consequently, the appeal is partly allowed. Accused/appellant is

reported to be on bail and therefore no further order is required. His
bail bond stands discharged.

Sd/-

(Rajani Dubey)
Judge

suguna