

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 108 of 2008

Judgment reserved on 03.10.2018

Judgment delivered on 04.12.2018

1. Jamuna Prasad Dahire, Aged about 44 years, S/o. Shri Ant Ram Dahire, **(Deleted as per order dated 17.09.2018)**
2. Ramphool, Aged about 41 years, W/o. Jamuna Prasad Dahire,

Both are resident of Gurukul Colony, P.S.Gaurela, District Bilaspur (C.G.)

----Applicants

Versus

State of Chhattisgarh, Through the Police Station Gaurela, District Bilaspur (C.G.)

---- Respondent

For Applicants : Mr. Ravi Bhagat, Advocate
For Respondent/ State : Ms. M. Asha, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

CAV Judgment

1. This revision is directed against the judgment of conviction and order of sentence dated 12.02.2008 passed by the Sessions Judge Pendraroad District Bilaspur in Criminal Appeal No. 42 of 2007, modifying the judgment of conviction and order of sentence dated 21.11.2007 passed by the Judicial Magistrate, First Class, Pendraroad in Criminal Case No. 431/2005, convicting and sentencing the accused/applicants as under:-

Applicant	Conviction	Sentence
Jamuna Prasad Dahire	506 (Part-II) IPC	RI for six months with fine of Rs. 50/-
	324 IPC	RI for six months with fine of Rs. 50/-
	294 IPC	Fine of Rs. 100/-
Ramphool	294 IPC	Fine of Rs. 100/-

2. Case of the prosecution, in brief, is that on 26.03.2005 in furtherance of a dispute over removal of cattle from the filed of Killak Bai (PW-1), there was some dispute between the two and moving ahead with the same deceased accused who happened to be the husband of the present applicant brought spear and inflicted injuries to PW-1 and his son PW-5. The role attributed to the surviving accused/applicant herein is that she too abused the complainant (PW-1) when the dispute was going on. The matter was investigated and the charge sheet was filed before the trial Court.

3. Having taken note of the material on record the Trial Court convicted and sentenced the applicants as mentioned above. On appeal, learned court below though maintained the conviction of both the accused/applicants but took some lenient view against the present applicant so far as imposition of sentence concerned. Hence, this revision

4. It transpired during the argument that the main accused namely Jamuna Prasad Dahire has expired during the pendency of this revision and his name too has been deleted from the

cause title of the revision. Thus, this revision petition is concerned with the present applicant Ramphool herein only.

5. Learned counsel appearing for the applicant submits that the witnesses of the prosecution are interested witnesses and their version is not reliable. He submits that there are major contradiction in the testimony of the witnesses.

6. Per contra, learned State counsel supporting the impugned judgment has submitted that the judgment of the trial Court is strictly in accordance with the law and well founded and there is no illegality or infirmity in it warranting any interference by this Court.

7. I have heard learned counsel for the parties and perused the judgment impugned as also the evidence available on record, carefully.

8. On hearing counsel for the parties and perusing the material available on record including the evidence of complainant (PW-1) and the doctor examining her and his son Vimlesh i.e. (PW-5), it emerges that on the date of incident the dispute over removal of cattle from the field of Killak Bai (PW-1), there was some dispute between the two and Jamuna Prasad Dahire brought spear and inflicted injuries to PW-1 and his son PW-5. The medical evidence says that the complainant PW-1 had suffered lacerated wound in the size of 2x1x.5 cm on right side of the forehead, lacerated wound in the size of 2x1x.2 cm on the mandible region of the right side of cheek, swelling in the size of 5x2 cm at the

right side of post auricular region, swelling in the size of 5x3 cm at the sub occipital region and abrasion in the size of 3x2 cm on the right forearm of anterolateral area and his son Vimlesh Kumar (PW-5) had suffered lacerated wound in the size of 2x.5 cm on right the occipital region. Further that they are also complaining pain on their body.

9. Thus, in view of the factual discussion made above in the light of the evidence of the witnesses, this Court of the opinion that both the Courts below have been quite justified in holding the accused/applicants guilty under sections 506 Part-II, 324, 294 and 294 IPC and being so, the same are hereby maintained. It is made clear that the conviction and sentence will not affect the service related benefit available to applicant No. 2 after the death of the deceased applicant No.1 Jamuna Prasad Dahire.

10. Resultantly, the revision is dismissed.

Sd/-
(Vimla Singh Kapoor)
JUDGE