

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 792 of 2014**

- Bongi S/o Kuma, Caste Muriya, Aged About 49 Years, R/o Village Katulnar, Jampadarpara, P.S. Geedam, Distt. Dantewada C.G. , Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through P.S. Geedam, District Dantewada C.G., Chhattisgarh

---- Respondent

For Appellant : Shri Barun Kumar Chakrabarty, Advocate.
For Respondent/State: Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Judgment on Board

06/12/2018

1. This appeal has been preferred against judgment dated 18-06-2014 passed in S.T. No.216/2010 by the Sessions Judge, South Bastar Dantewada, C.G. convicting the appellant under Section 304 Part I of the IPC and sentencing him with R.I. for 10 years along with fine Rs.100/- with default stipulation.
2. The case of the prosecution, in brief, is this that, on 05-06-2010 between 8:00 to 9:00 p.m on account of some dispute this appellant assaulted deceased Mundo with a club causing him various injuries on his head and chest, which resulted in his death. The FIR (Ex.-P/7) was lodged. The postmortem was conducted on the dead body of the deceased by Doctor V.S. Thakur (PW-8) and he reported vide postmortem report (Ex.-P/5) that death of the deceased was homicidal in nature. Statement of the witnesses were recorded under Section 161 of the Cr.P.C. After completion of the

investigation charge sheet was filed before the concerned Court.

3. The appellant was charged with offence under Section 302 of the IPC, to which he denied and prayed for trial.
4. On completion of the prosecution evidence, the appellant was examined under Section 313 of the Cr.P.C. in which he denied all the incriminating evidence brought against him by the prosecution, pleaded innocence and false implication. Two witnesses were examined in defence.
5. On completion of the trial, the impugned judgment was passed in which the appellant has been convicted and sentenced as aforementioned.
6. It is submitted by the counsel for the appellant that the prosecution has failed to prove its case beyond reasonable doubt. The statement of the witnesses before the Court below were not worth reliance and did not inspire any confidence, even then, the order of conviction has been passed against the appellant which bad in law. It is also submitted that according to the information received, the appellant has already been released from jail after completion of his sentence of imprisonment.
7. Per contra, learned counsel for the State opposes the grounds raised in the appeal and the submission made and submits that the prosecution has proved its case beyond reasonable doubt and the trial Court found the witnesses worthy of reliance, therefore, no case is made out for acquittal.
8. Heard learned counsel for the parties and perused the record of the trial Court.

9. After perusing and closely scrutinizing the evidence of the prosecution witnesses present in the record of the trial Court and after due consideration, I am of this opinion that the trial Court has not committed any error in coming to the conclusion in holding the the appellant guilty for committing offence under Section 304 Part I of the IPC. Therefore, this appeal is devoid of merits, which is hereby dismissed accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge