

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1119 of 2013**

- Shivram Mandavi S/o Konduram, Aged About 35 Years, R/o. Vill. Lampuri, P.S. Antagarh, Civil and Revenue District. North Bastar Kanker C.G., Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through Police Station Antagarh, District North Bastar Kanker C.G., Chhattisgarh

---- Respondent

For Appellant : Shri Rakesh Thakur, Advocate.

For Respondent/State: Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Judgment on Board****28/11/2018**

1. This appeal has been preferred against judgment dated 30-07-2013 passed in S.T. No.05/2013 by the Additional Session Judge, Bhanupratappur, District North Bastar Kanker, C.G. convicting the appellant under Section 307 of the IPC and sentencing him with R.I. for 7 years along with fine Rs.1,000/- with default stipulation.
2. The case of the prosecution, in brief, is this that, on 30-09-2012 when complainant Omprakash Dhruw had been to his agricultural field and was returning, then because of earlier dispute the appellant with intention to cause his death assaulted him on his right chest, right arm and back, the witnesses present on the spot intervened and the injured was admitted to the hospital where he lodged an unnumbered FIR (Ex.-P/5), on the basis of which the offence was registered against the appellant. After completion of the investigation charge sheet was filed.
3. The appellant was charged with offence under Section 307 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. No witness was 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 appellant has been released from jail after completion of his sentence of imprisonment, but conviction against the appellant is bad in law as it was not supported with the evidence of the prosecution beyond reasonable doubt. Hence, the appeal may be allowed.
7. Per contra, learned counsel for the State opposes the appeal submitting that the prosecution has proved its case beyond reasonable doubt. Therefore, there is no room for interference in the impugned judgment.
8. Heard learned counsel for the parties and perused the record of the trial Court.
9. After close scrutinizing of all the evidence 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 giving finding of conviction against the appellant, hence, there is no requirement for any interference in the impugned judgment. Hence, the appeal is accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge