

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 12 of 2013**

- Sawan Baiga S/o Mahettar Aged About 40 Years, R/o Village Dindol, Thana Kota, Distt. Bilaspur C.G., Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through Police Station Kota Distt. Bilaspur C.G., Chhattisgarh

---- Respondent

For Appellant : Shri Krishan Lal Sahu, Advocate on behalf of Shri Akhilesh Kumar, 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 15-11-2011 passed in S.T. No.209/10 by the Vth Additional Session Judge, Bilaspur, Distt. Bilaspur, C.G. convicting the appellant under Section 307 of the IPC and sentencing him with R.I. for 7 years along with fine Rs.100/- with default stipulation.
2. The case of the prosecution, in brief, is this that, on 15-09-2010 at about 04:00 p.m, in the evening the appellant firstly assaulted Nandram (PW-12) with a club and thereafter with intention to cause his death he shot an arrow from bow at the Nandram (PW-12) which pierced in his chest. The FIR (Ex.-P/13) was lodged by the complainant/victim Nandram (PW-12). Nandram (PW-12) was medically examined and treated. During the investigation at the instance of the appellant the bow and the club were seized vide Ex.-P/5. After completion of the investigation charge sheet was filed

before the concerned Court.

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 the sentence of imprisonment, but the conviction against him is bad in law as the prosecution has failed to prove its case beyond reasonable doubt. Therefore, the appellant may be acquitted.
7. Per contra, learned counsel for the State opposes the grounds raised in the appeal and the submission made in this respect and submits that 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 the deposition of all the witnesses present in the record of the trial Court and considering the same, I am of this opinion that the trial Court has not committed any error in coming to the conclusion that the appellant assaulted victim Nandram (PW-12) with intention to cause his death and in convicting and sentencing

him accordingly. Therefore, the appeal is without any substance and the same is hereby dismissed accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil