

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 667 of 2013**

- Narendra @ Guddu Thakur S/o Shri Motiram Thakur, Aged About 32 Years, R/o Village Kosmanda Chowki Dasharnpur Thana Pipariya Distt. Kabirdham C.G. , Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through Police Station Thana Pipariya Distt. Kabirdham C.G., Chhattisgarh

---- Respondent

For Appellant : Shri Rajkumar Gupta, 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 08-07-2013 passed in S.T. No.55/2012 by the Session Judge, Kabirdham (Kawardha), C.G. convicting the appellant under Section 307 of the IPC and sentencing him with R.I. for 7 years along with fine Rs.5000/- with default stipulation.
2. The case of the prosecution, in brief, is this that, on 12-08-2012 at about 5:30 p.m, in the evening the appellant picked up a quarrel with complainant Dileep and assaulted him with a *tabbal* causing various injuries on his body and thus attempted to cause his death. An unnumbered FIR (Ex.-P/5) was recorded. 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 statement of the witnesses are not reliable and therefore the appellant is entitled for benefit of doubt. It is also submitted that the appellant has suffered the jail sentence, but for the prestige of the appellant 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. Hence, the appeal may be dismissed.
8. Heard learned counsel for the parties and perused the record of the trial Court.
9. Dileep (PW-5) is complainant and injured who has given statement that the appellant has assaulted him with *tabbal* causing various injuries on his body with intention to cause his death, because of which, he became unconscious and subsequently, he lodged the FIR (Ex.-P/5). In cross-examination his statement has remained unrebutted.
10. Doctor S.M. Kujur (PW-1) examined the injured and he reported that 6 lacerated wounds were found on his left hand, left elbow, left parietal region of the head, right shoulder and wrist of right hand

vide his report Ex.P/1. His statement has remained unchallenged in cross-examination.

11. Doctor Satish Chandravanshi (PW-8) has reported on the basis of X-ray report that the complainant had suffered fracture of bones below the left elbow vide his report Ex.-P/11 which is unchallenged in his cross-examination.
12. After considering on all the evidence present in the record of the trial Court, I am of this opinion that the appeal is without any substance and no ground is made out for interference in the judgment of conviction against the appellant. Therefore, the appeal is dismissed accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge