

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1035 of 2013**

- Ghanshyam S/o Late Kiman Das Vaisnav, Aged About 32 Years, R/o. Vill. Birganhi, Tahsil Janjgir, Civil and Revenue District Janjgir-Champa C.G., Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through District Magistrate Janjgir, Civil and Revenue District Janjgir-Champa, C.G., Chhattisgarh

---- Respondent

For Appellant : Ms. Seema Singh, Advocate.

For Respondent/State: Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Judgment on Board****13/12/2018**

1. This appeal has been preferred against judgment dated 23-04-2013 passed in S.T. No.52/2012 by the Additional Session Judge, Korba Distt. Korba, C.G. convicting the appellant under Section 307 of the IPC and sentencing him with R.I. for 10 years along with fine Rs.10,000/- with default stipulation.
2. The case of the prosecution, in brief, is this that, on 21-03-2012 at about 12:30 p.m, the appellant with intention to cause death of his wife Koushilya assaulted her with a battle axe causing her various injuries. The victim was admitted to the hospital and on the information given by her the FIR was lodged and the offences were registered against the appellant by police. The victim was examined and injuries were reported. 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 and Section 25(1- ख) (ख), 27(1) of Arms Act, 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 erroneously convicted without there being any support of the reliable evidence brought by the prosecution. It is also submitted that the appellant had been in jail continuously since the date of his arrest and now according to the information received, he has been released after completion of the sentence of imprisonment imposed upon him.
7. Per contra, learned counsel for the State opposes the grounds raised in the appeal and the submission made, 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. After perusing the evidence of the witnesses in the record of the trial Court, I am of this opinion that the trial Court has not committed any error in coming to the conclusion to record the finding of guilt

against the appellant as abovementioned. Therefore, this appeal appears to be without any substance and there is no need to interfere with the impugned judgment. Therefore, the appeal is dismissed accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil