

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1014 of 2014**

- Ramkumar Chouhan S/o Shri Murli Chouhan, Aged About 26 Years,
R/o Village Pujeripali, P.S. Saria, Civil And Revenue District Raigarh
C.G. , Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through Station House Officer of the P.S. Saria,
District Raigarh C.G., Chhattisgarh

---- Respondent

For Appellant : Shri Abhishek Saraf, Advocate.

For Respondent/State: Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Judgment on Board****06/12/2018**

1. This appeal has been preferred against judgment dated 25-08-2014 passed in S.T. No.12/2013 by the Additional Sessions Judge, Sarangarh, District Raigarh, C.G. convicting the appellant under Section 307 of the IPC and sentencing him with R.I. for 7 years along with fine Rs.1000/- with default stipulation.
2. The case of the prosecution, in brief, is this that, the appellant is divorced husband of victim Dipika Chouhan (PW-6). On 13-06-2011 at about 08:30 p.m. in the night the appellant went to the place of victim Dipika Chouhan (PW-6) and asked her to come with him and when she refused the appellant took out a knife and assaulted on her neck. On raising alarm, the appellant fled from the spot. The FIR (Ex.-P/2) was lodged immediately. The victim was medically examined and treated. 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 conviction of the appellant is bad in law as there had been no evidence of prosecution beyond reasonable doubt. The victim Dipika Chouhan (PW-6) being divorced wife of the appellant was having enmity and thus she had made false statement before the police and the Court which could have been held unreliable by the Court below. Similarly, the statement of other witnesses were also not worth reliance. Therefore, it is prayed that the appellant may be acquitted. It is also submitted that the appellant has already undergone the whole sentence of imprisonment imposed upon him and has been released thereafter.
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. Therefore, no case is made out for acquittal.
8. Heard learned counsel for the parties and perused the record of the

trial Court.

9. On perusal and closely scrutinizing of all the evidence of the witnesses before the trial Court, I am of this opinion that the trial Court has not committed any error in convicting the appellant guilty for the offence as aforementioned. Therefore, the appeal is without substance, which is dismissed accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil