

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2156 of 2018**

- State Of Chhattisgarh Through - Police Station Podi District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner**Versus**

- Tulsiram S/o Samay Lal Khairwar Aged About 52 Years R/o Village Lai Police Station Podi , District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For State/Petitioner : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Rajani Dubey****Order On Board****13/12/2018**

There is an application (I.A.No.1) for condonation of delay in filing appeal.

Upon due consideration of the grounds urged in the application, the same is allowed. Delay is condoned.

1. Heard on prayer for grant of leave to appeal.

Learned State counsel submits that though single arrow injury caused on the elbow of the victim, the manner in which the respondent sought to inflict injury clearly proves that there was intention to cause death which is clear from the evidence of the victim – Bhola Singh(PW1). He would next submit that Dr. L.P. Maravi (PW12) has clearly opined that if the arrow contained a poisonous substance, the injury could be fatal.

2. We have gone through the impugned judgment of acquittal passed by the Trial Court.

3. Learned Trial Court though having found that the injury was found on the elbow of the victim, taking into consideration one single injury, that too on the elbow, has convicted the respondent under Section 324 IPC.

4. Considering that there was a single injury, which was only targeted on the elbow and further that there is no report that it contained any poisonous substance on its tip and the doctor's opinion is that if it contained poisonous substance, the injury could be fatal, we do not find any ground to interfere with the judgment of acquittal by which, learned Trial Court has held the respondent guilty of commission of offence under Section 324 IPC instead of 307 IPC. We do not find any ground to interfere with the judgment of Trial Court. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge