

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 505 of 2001**

1. Jage Lal S/o Shivdas Satnami, aged about 47 years,
 2. Babu Lal S/o Shivdas Satnami, aged about 41 years,
 3. Soman Lal S/o Babu Lal Satnami, Aged about 21 years,
- All are R/o Village Bhatgaon, P.S. Bagbahara, Distt. Mahasamund, (C.G.)

----Appellants**Versus**

State of Chhattisgarh through P.S. Bagbahara (C.G.)

---- Respondent

For Appellants	:	Mr. Vinod Kumar Tekam, Advocate
For Respondent	:	Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board****18/03/2019**

1. This appeal has been preferred under Section 374 (2) of Cr.P.C against the judgment dated 21/05/2001 passed in Special S.T. No. 24/2000 by the learned First Additional Sessions Judge, Mahasamund (C.G.) convicting Appellant No. 2 under Section 324 of the IPC and sentenced him to undergo RI for 3 years with fine of Rs. 500/- and convicting Appellant No. 1- Jage Lal, Appellant No. 3- Soman Lal and Appellant No. 4- Shivdas Satnami (died) (this appeal on his behalf has been abated vide order dated 07/01/2016) under Section 323/34 of the IPC and sentenced them RI for 1 year with fine of Rs. 500/- each, with default stipulations.
2. As per prosecution case, on 08/11/2000 at about 3:00 pm a quarrel took place between Punoa (PW2) and Appellant Jagelal. Hearing the quarrel, Complainant Dhaneshwar (PW8) reached the spot and tried to pacify the

matter, but the Appellants assaulted him with spade (Rapa) and Lathi. The Complainant sustained various injuries on his body parts. FIR (Ex.P-21) was lodged by the Complainant. On the basis of said, offence has been registered. During course of investigation on the basis of memorandum statement of the Appellants, Lathi and spade (Rapa) were recovered. After investigation, a charge-sheet under Section 307/34 of the IPC was submitted. Charges were framed under Section 307 IPC alternatively 307/34 IPC against all the Appellants (including died Appellant No. 4). Statement of the Appellants were recorded under Section 313 of the Cr.P.C, wherein they pleaded their innocence and false implication in the matter.

3. To prove the guilt of the Appellants, the Prosecution has examined as many as 13 witnesses. No defence witness has been examined.
4. After trial, the learned Sessions Judge vide impugned judgment dated 21/05/2001 acquitted all the Appellants from the charges framed under Sections 307 of the IPC alternatively 307/34 of the IPC, however, Appellant No. 2 was convicted under Section 324 IPC and Appellant Nos. 1, 3 & 4 were convicted under Section 323/34 of the IPC and they were sentenced as mentioned in paragraph one of this judgment. Hence, this appeal.
5. Learned Counsel appearing for the Appellants submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. He further submits that the matter is of the year 1999, the Appellants are facing the lis since 20 years and there is no criminal antecedent of the Appellants. It is further submitted that the Appellants

have already undergone about 8 days during trial and 2 months and 3 days during pendency of this appeal, therefore, the jail sentence awarded to them may be reduced to the period already undergone by him.

6. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.
7. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
8. It is not in dispute that the matter relates to the year 1999 and there is no known criminal antecedent of the Appellants. Moreover, the Appellants have already undergone about 2 months 11 days total.
9. Considering the above facts and circumstances, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Appellants, the jail sentence awarded to them is reduced to the period already undergone by them.
10. Consequently, the appeal is partly allowed. The conviction imposed upon Appellant No. 2 under Section 324 of the IPC and on Appellants 1 & 3 under Section 323/34 of the IPC is upheld, however, the jail sentence awarded to them is reduced to the period already undergone by them. The fine sentences imposed upon them are affirmed.
11. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge