

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 472 of 2004

Uma Shanker @ Chotai S/o Dev Prasad aged about 20 years, By Caste Ahir, R/o Village Biniya Thana Lakhanpur, Tahsil Ambikapur, District Surguja, CG.

---- Applicant

Versus

State of Chhattisgarh through P.S. Lakhanpur, District Surguja, CG.

--- Respondent

For Applicant : Shri T.R. Chandraker, Advocate

For State/Respondent : Smt. M. Aasha, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

02/01/2019

On 28.11.2002 FIR (Ex. P-4) was registered on the basis of *Rojnamcha* entry recorded at the instance of Budhram (PW-7) alleging that on account of some old money related dispute, the accused/applicant had inflicted injuries to him with the help of rope used for tying goats. After completion of investigation, charge-sheet was filed against him under Section 325 IPC and charge framed accordingly.

2. By judgment dated 28.12.2002 learned trial Court convicted the accused/applicant u/s 325 IPC and imposed the sentence of RI for three years with fine of Rs. 400/-, with default stipulation. In appeal, the conviction recorded by the trial Court has been affirmed but the jail sentence of three years has been reduced to that of four months but fine has been increased to Rs. 1000/- from 400/-. Hence this revision.

3. Counsel for the accused/applicant does not assail the conviction part of the judgment impugned and his only request is that looking to the incident being quite old and also considering the fact that he has remained under detention for 20 days, the jail sentence imposed on him may be reduced to the period already undergone and thereby his well settled

family life may be protected from being up-rooted at this stage. State counsel however, supports the judgment impugned.

4. The record shows that none other than complainant (PW-7) and the Dr. Smt. Asha Bansal (PW-5) has supported the case of the prosecution. However, if the version of the victim is looked into, it becomes manifest that on account of some trivial money related dispute, the accused/applicant caused injuries to him with the rope used for tying the domestic animals. Dr. (PW-5) vide her report Ex. P-5 has stated that she noticed lacerated wound in the size of $\frac{1}{2} \times \frac{1}{2}$ cm on the left parietal region; contusions over right eye and in the periphery of mouth, two incisor and molar teeth were found missing. This witness has denied the suggestion that on account of age of the victim the said teeth could have fallen down while being cleaned with twigs. Thus, the conviction u/s 325 IPC does not appear to be off the record and therefore it is maintained.

5. However, looking to the fact that incident had taken place in the year 2002 and thereby more than 17 years have passed-by, and further that the accused/applicant has already remained inside for 20 days, this Court thinks it proper to reduce the sentence imposed on him to the period already undergone, so that his already settled family life is not landed in crises. Order accordingly.

6. Revision allowed in part.

Sd/-

(Vimla Singh Kapoor)

Judge