

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 556 of 2009

Judgement reserved on 25.03.2019

Judgement delivered on 04.12.2019

Santosh Kumar S/o. Ram Bahorik Sahu, Aged about 38 years,
R/o. Nehru Chowk, Baloda Bazar, District Raipur (C.G.)

---- **Applicant**

Versus

State of Chhattisgarh through Police Station Baloda Bazar,
District Raipur Chhattisgarh

---- **Respondent**

For Applicant : Mr. B.L. Dembra, Advocate
For Respondent : Mr. Aman Kesharwani, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

CAV Order

1. Facts of the prosecution case relevant for disposal of this revision are that FIR Ex.P-5 was lodged by PW-5, alleging therein that when the complainant was shifting the belonging of his brother at that time the applicant came there and quarreling with the complainant and pressed his neck. After hearing the voice of incident, wife of the complainant came there for rescue her husband then the applicant caught the hair of the complainant's wife and threw her on bed. After completion of investigation charge sheet was filed under Sections 323 and 325 IPC followed by framing of charge accordingly.

3. Learned court below by its judgment dated 11.05.2009 convicted the applicant under Sections 323 and 325 IPC and sentenced him to pay fine of Rs. 300/- under Section 323 IPC, RI for 4 months and to pay fine of Rs. 200/- under Section 325 IPC with default stipulations. However, in appeal the conviction was maintained but the sentence was reduced to till rising of the Court. Hence, this revision
4. Learned counsel for the appellant submits that the ingredients of offence under Sections 323 and 325 IPC is not attracted and the trial Court has wrongly reached the conclusion and convicted the appellant. He submits that if this Court is not inclined to interfere with the conviction part of the judgment impugned, at least the sentence imposed on him may be reduced to the period already undergone by him.
5. On the other hand, learned State counsel supported the impugned judgment of conviction and sentence and opposed the arguments advanced by learned counsel for the appellants.
6. Having heard counsel for the parties and perused the material available on record including the evidence of PW-1, PW-2 and PW-4 have stated that the applicant came there and quarreled with the complainant and committed *marpit* with him, when the wife of complainant tried to stop him then appellant caught her hair and pushed her on the bed. After the incident, complainant immediately went to the Police Station and lodged the report against him. Kiran Sahu (PW-4) has supported the case of the

prosecution. Evidence of Doctor (PW-6) who medically examined the injured person has noticed number of abrasion on various part of the body of complainant which is evidence from Ex.P-6. Further, Doctor (PW-6) also examined wife of the complainant Pramila and noticed contusion in the size of 7x3 cm on right cavical and contusion in the size of 5x5 cm on left elbow. His evidence further discloses that as a result of assault multiple injuries were received by her including fracture on clavicle bone. The fracture opined by the doctor is evident from medical report Ex.P-8. Thus, the evidence collected by the prosecution is sufficient for convicting the accused/applicant under Sections 323 and 325 IPC. No interference with the judgment under challenge in this revision is visible and being so it is hereby maintained and the revision dismissed.

Sd/-

(Vimla Singh Kapoor)

JUDGE