

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 434 of 2005

1. Vijay Kumar S/o Sadashiv Uikey, aged about 42 years, Occupation Farmer, R/o. Village Badedharaur, P.S. Lohandiguda, District Bastar, CG.
2. Dharamdas S/o Late Hira Singh, aged about 38 years, Farmer, R/o Village Badedharaur, District Bastar, CG.

---- Applicants

Versus

State of Chhattisgarh through Station House Officer Police Station Lohandiguda, District Bastar, CG.

---- Respondent

For Applicants : Shri Manoj Mishra, Advocate

For State/Respondent : Shri Aman Kesharwani, PL

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

27/03/2019

Written report (Ex. P-1) on the basis of which FIR (Ex.P-2) was registered by G.P. Sonwani (PW-1) goes to show that on 19.12.1995 when he was discharging his official duties as Junior Engineer in the Electricity Department, the accused/applicants approached him and started manhandling and abusing on the pretext of excessive electricity bill. Based thereon, offences under Sections 448, 353, 332 and 506 IPC were registered against them. After investigation, *challan* was filed followed by framing of charge and commencement of trial.

2. On the basis of material on record learned trial Court vide its judgment dated 24.03.2005 passed in Criminal Case No.274/2000 convicted the accused/applicants under Sections 448 and 332 IPC only and sentenced each of them to undergo SI for 6 months with fine of Rs.200/- under Section 448 and RI for one year with fine of Rs.500/- under Section 332 IPC plus default stipulation. Appellate Court also approved the same by judgment impugned dated 22.09.2005 passed in Criminal Appeal No.34/2005.

3. Counsel for the accused/applicants submits that the judgment impugned being based on the shaky evidence of the witnesses is liable to be set aside as the pin-pointed appreciation thereof has not been taken care of. State counsel however supports the judgment impugned.

4. The material on record demonstrates that on the date of incident when the complainant (PW-1) was discharging his official duties, the accused/applicants went to him and raising an objection over the excessive electricity bill started abusing and manhandling him and thereby deterred him from performing public duty. His categorical court statement gets full corroboration from PW-2, PW-3 and PW-5 - all employees of the same department and at the relevant time were busy in discharging their own duties, who have specifically stated that on hearing the commotion at the relevant time they went in the chamber of PW-1 and saw with their own eyes that accused/applicants were abusing and scuffling with him. All this establishes the involvement of the accused/applicants in the crime in question and thereby both the Courts below have not committed any error in holding them guilty as described above. Their conviction under Sections 332 and 448 IPC being based on just and proper analysis of the evidence on record, is hereby maintained.

5. As regards sentence, keeping in mind the fact that the incident had taken place in the year 1995 and thereby more than 24 years have passed by and also the fact that the applicants have already remained inside for 10 days, this Court feels it proper to reduce the sentence imposed on them to the period already undergone so that their already settled life is not unsettled at this stage. Order accordingly.

6. With the above, the revision is thus allowed in part.

Sd/-

(Vimla Singh Kapoor)

Judge