

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 213 of 2004

Mohammad Munir Ahmed S/o Nazir Ahmed, aged about 25 years R/o Salfa, Navagaon P.S. Kota District Bilaspur, CG.

---- Applicant

Versus

State of Chhattisgarh through P.S. Kota District Bilaspur, CG.

--- Respondent

For Applicant : Shri Sandeep Yadav, Advocate

For State/Respondent : Shri Vikram Dixit, G.A.

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

29/01/2019

Facts leading to disposal of this revision, in brief, are that on 22.03.1998 when victim Sheikh Hamid (PW-1) was taking bath in the backyard of his house, the accused/applicant came there and inflicted injuries to him with the help of club. The reason assigned for this incident is said to be some ill-will between the two. In the incident the injured suffered injuries on his head, left arm and the wrist. After lodgement of report, medical examination of the victim and completion of investigation, *challan* was laid under Section 325 IPC followed by framing of charge accordingly.

2. By judgment dated 23.08.2001 learned trial Court convicted the accused/applicant u/s 325 IPC and imposed the sentence of RI for one year with fine of Rs. 500/-, with default stipulation. In appeal, the conviction recorded by the trial Court has been affirmed but the jail sentence of one year has been reduced to that of six months but fine has been enhanced to Rs. 2000 from that of Rs. 500. 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 also considering the fact that he has remained under detention for 18 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. Statement of complainant/victim (PW-1) duly supported by PW-2, PW-3, PW-4 and PW-5 goes to show that on the date of incident when the complainant was taking bath, the accused/applicant went there and opened assault with the help of club. Number of injuries were noticed by Dr. J.S. Dhakad (PW-6) on various parts of the body of PW-1 including on head, above the temple and left arm which is clear from Ex. P-4. The doctor has also opined the injuries to have been caused by hard and blunt object. This apart, radiologist (PW-7) has also given the report Ex. P-6 opining fracture on the right ulna of the victim. In this view of the matter, 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 1998 and thereby more than 20 years have passed-by, and further that the accused/applicant has already remained inside for 18 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