

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 280 of 2009

1. Nand Kumar, S/o Ramkhilawan, aged 31 years.
 2. Ramkhilawan S/o Sahu Ram, aged about 52 years.
- Both R/o Village Dumaria, P.S. And Tehsil Surajpur, District Surguja, CG.

---- Applicants

Versus

State of Chhattisgarh through Station House Officer, P.S. Surajpur,
District Surguja, CG.

--- Respondent

For Applicants	: Shri Sanjay Agrawal, Advocate
For State/Respondent	: Smt. M. Aasha, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

02/01/2019

On 5.07.2002 FIR (Ex. P-15) was lodged by Bobby Bai (PW-1) alleging that on account of some land related dispute, the accused/applicants had inflicted injuries to her with the help of a wooden handle. After completion of investigation, charge-sheet was filed against them under Section 325/34 IPC and charge framed accordingly.

2. By judgment dated 07.05.2008 learned trial Court convicted the accused/applicants u/s 325 IPC and imposed the sentence of RI for two years with fine of Rs. 500/- each, with default stipulation. Another accused namely Fulbus has however been acquitted by the trial Court of the charge leveled against her. In appeal, the conviction recorded by the trial Court has been affirmed but the jail sentence of two years has been reduced to that of six months but fine has been kept intact. Hence this revision.

3. Counsel for the accused/applicants 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 they have

remained under detention for 12 days, the jail sentence imposed on them may be reduced to the period already undergone and thereby their 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) goes to so that on the date of incident the accused/applicants herein picked-up a dispute and assaulted her with the help of wooden handle. Husband of the victim (PW-3) has also supported the case of the prosecution stating that he saw the accused/applicants inflicting club injuries to his wife. Dr. S.L Jaiswal, who medically examined the victim has stated that he noticed redness, swelling and lacerated wound on her right temporal region and right elbow and abrasion on upper lip. Dr. K.N. Sharma, (PW-8) who radiologically examined her has found fracture on humerus and ulna bone vide report Ex. P-7. 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 2002 and thereby more than 17 years have passed-by, and further that the accused/applicants have already remained inside for 12 days, this Court thinks it proper to reduce the sentence imposed on them to the period already undergone, so that their already settled family life is not landed in crises. Order accordingly.

6. Revision allowed in part.

Sd/-

(Vimla Singh Kapoor)

Judge