

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 339 of 2013

- Manoj @ Tetku S/o Shri Bhagbali, aged about 26 years R/o Village Bhaisa, Police Station Kharora, Tahsil Kharora, District Raipur (C.G) Civil and Revenue District Raipur (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through: Police Station Kharora, District Raipur (C.G.)
Civil and Revenue District Raipur (C.G.)

---- Respondent

For Applicant	:	None.
For Respondent	:	Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

03/01/2019

1. By the impugned judgment dated 27/04/2013 passed in Criminal Appeal No. 02/2013 by the learned Sessions Judge, Raipur arising out of judgment of conviction and sentence dated 07/11/2012 passed in Criminal Case No. 300/2011 by the Judicial Magistrate First Class, Raipur, the Applicant has been convicted under Section 326 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 3 years and to pay fine of Rs. 100/- with default stipulation.
2. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Raipur would mention that the Applicant has undergone entire jail sentence imposed upon him by the Trial Court and already released on 29/01/2015.

3. As per prosecution case, on 03/10/2008 in the night, Injured Hemant Jaiswal along with two persons namely Rajesh and Bhagwat was coming on a motorcycle, which was being driven by Hemant. It is alleged that on the way the Applicant was standing with an Axe, and when the motorcycle came near him, he made a blow of Axe on the right hand of Hemant Jaiswal, who sustained cut injury and also fell down from the motor-cycle. They all ran away from the spot after leaving motor-cycle. A report was made in this regard. Injured Hemant was medically examined by doctor. After investigation, a charge-sheet was filed before the Judicial Magistrate First Class, Raipur.
4. After trial, the learned JMFC has convicted and sentenced the Applicant as mentioned in paragraph one of this order, which was also affirmed by the Appellate Court.
5. Since no one appears for the Applicant today, I decide this appeal on merits.
6. I have heard Learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.
7. Hemant Kumar (PW4) has categorically stated in his statement that at the time of incident, he was assaulted by the Applicant by an Axe, due to which he sustained grievous injury on his right hand. His statement is duly corroborated by eye-witness Bhagwat (PW6). Above statements of both the witnesses have not been reverted during their cross-examination. Both the witnesses remained firmed during their

cross-examination.

8. Dr. Kenan Saha (PW7) has medically examined the Injured. As per MLC report, Discharge Certificate and X-ray report of the Injured Ex.P-7, 8 & 9, respectively, it is established that Injured Hemant sustained grievous injury on his hand.
9. Since, the injury was caused by a Tangiya, therefore, both the Court belows have rightly arrived to the conclusion and rightly convicted and sentenced the Applicant under the aforementioned section.
10. Considering the material available on record, I do not find any merit in this revision
11. Consequently, the revision deserves to be and is hereby dismissed.

Sd/-

(Arvind Singh Chandel)
Judge