

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 92 of 2007

Pradeep Bambeshar, S/o. Sunderlal Bambeshar, Aged 21 years,
R/o. Village Mahud, P.S. Ambagarh Chowki, District Rajnandgaon
(C.G.)

---- **Applicant**

Versus

State of Chhattisgarh, Through District Magistrate District
Rajnandgaon (C.G.)

---- **Respondent**

For Applicant : Mr. Alok Dewangan, Advocate.
For Respondent : Mr. Aman Kesharwani, PL

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

14.03.2019

By the judgment under challenge passed on 08.12.2006 by
Additional Sessions Judge Rajnandgaon, in Criminal Appeal No.
34 of 2005, the findings recorded by the learned Judicial
Magistrate First Class, Ambagarh Chowki, have been modified.

2. Facts of the case, in short, are that on 25.10.2003 at about
8.00 PM, the complainant was in her house at that time the
accused/applicant came there started abusing her and caused
injuries to her. On the basis of report FIR (Ex.P-1) lodged by
complainant (PW-1) and after medical examination of the injured

and after completion of investigation the charge sheet was filed against the accused/applicant.

3. Learned Magistrate having perused the material before it convicted the accused/applicant under Section 325 IPC with imposition of sentence of RI for 6 months plus fine of Rs. 1000/-. However, the jail sentence has been reduced by the Appellate Court to RI till rising of the court and enhanced the fine amount of Rs. 2000/-to that of Rs. 1000/-. Hence, this revision.

4. Counsel for the applicant submits that the Courts below have committed an error in convicting and sentencing the accused/applicants as mentioned above though the evidence led by the prosecution was lacking and therefore, the same may be set aside.

5. State counsel however, supports the findings recorded by the Court below.

6. Heard learned counsel for the parties and perused the judgment impugned and the evidence available on record carefully.

7. From the evidence of complainant Tarabai (PW-1) and witness (PW-5) and also the evidence of doctor (PW-2) and (PW-6) under Ex P-3 and Ex.P-4 who noticed lobule cut on the upper part of left ear and also the damage to ear cartilage, this Court is of the opinion that the conviction recorded by both the Courts below as described above is strictly on the basis of evidence on

record and there is nothing worth interference with the same.
Conviction is thus maintained.

8. Accordingly, the revision is dismissed.

Sd/-

(Vimla Singh Kapoor)

JUDGE

Santosh