

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 634 of 2009**

1. Sukhiram Sahu son of Milan Sahu, aged about 47 years, resident of village Parsada, Bharni, Police Station Chakarbhata, Bilaspur, CG **--- Applicant**

Versus

1. State of Chhattisgarh through Police Station Chakarbhata, Bilaspur, CG **--- Respondent**

For Applicant	-	Shri Pawan Shrivastava, Adv.
For Respondent/State	-	Shri Raghvendra Verma, GA

Order on Board by Hon'ble (Smt.) Vimla Singh Kapoor, J.**19.06.2019:**

FIR (Ex.P-1) lodged by Brahmanand Sahu (PW-1) goes to show that on 18.07.2006 his grandfather was spreading the soil dug and heaped in front of his house by the accused/applicant in order to construct drainage. On this, the applicant started hurling abuses at him and asked him not to remove the soil. When PW-1 objected to this act of the accused, he abused him too and caused injuries on his arm, chest and cheek with the help of spade. Brother of the complainant namely Nakul (PW-2) and sister (PW-3) present on the spot were also inflicted injuries by the accused/applicant. On the basis of the report, offences under Sections 294, 506-B, 323 and 324 IPC were registered against the accused/applicant. PW-1 to PW-3 were medically examined vide Ex. P-6, P-7 and P-8 and after completion of investigation, *challan* was filed followed by framing of charge accordingly.

2. Vide judgment dated 01.10.2009 learned JMFC Bilha acquitted the applicant of the charge under Section 294 but held him guilty u/s 324, 323 (twice) and 506 (Part-II) IPC with the imposition of 03 month RI u/s

324; 01 month RI u/s 323 and 06 month RI u/s 506 (Part-II) with fine of Rs. 500/- under each Section. By judgment impugned dated 15.12.2009 passed in Criminal Appeal No. 93/2009 the findings recorded by learned Magistrate have been affirmed. Hence this revision.

3. After hearing counsel for the parties and taking into consideration the evidence of the injured/complainant (PW-1) and other injured (PW-2 and PW-3) and keeping in mind the injuries which are evident from medical reports Ex. P-6, P-7 and P-8 and also the seizure of spade made from the applicant under Ex. P-4 which has been duly proved by Amol Das (PW-6), this Court does not see any scope of interference in the finding of conviction recorded by both the Courts below. Evidence on record is specific that the applicant first abused the father of PW-1 and thereafter went on rampage when PW-1 opposed to his act of abusing his father. Conviction of the accused under all the sections being well written is hereby maintained.

4. However, looking to the long period rolled by since the commission of crime and that the applicant has faced a long drawn prosecution by now and also remained inside for about a week, this Court is of the opinion that it would suffice if the jail sentence imposed on him is reduced to the period already undergone. Order accordingly.

6. Revision thus allowed in part.

Sd/-

(Vimla Singh Kapoor)
Judge