

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 268 of 2013**

- Moolchand Yadav S/o Anujram, Aged About 32 Years, R/o Danighatoli, P.S. Kawardha, District Kabirdham C.G. , Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through – Station House Officer, P.S. Kawardha, District Kabirdham C.G., Chhattisgarh

--- Respondent

For Appellant : Shri D.K. Vishwakarma, Advocate.For Respondent/State: Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Judgment on Board****07/02/2019**

1. This appeal has been preferred against judgment dated 22-01-2013 passed in S.T. No.36/2012 by the Sessions Judge, Kabirdham (Kawardha), C.G. convicting the appellant under Sections 452, 307 and 324 of the IPC and sentencing him with R.I. for 3 years, R.I. for 7 years and R.I. for 1 year along with fine Rs.500/-, Rs.1000/- and Rs.500/-, respectively, with default stipulations and direction that all the jail sentences shall run concurrently.
2. The case of the prosecution, in brief, is this, that on 06-04-2012 at about 7.00 a.m. in the morning the appellant committed house trespass in the house of Satobai (PW-1) in the place where Sukariyabai (PW-2) was present and then by threatening to kill Sukariyabai (PW-2) he assaulted with an axe on her head causing injury to her. An unnumbered FIR (Ex.-P/1) was lodged by Satobai (PW-1) and on that basis numbered FIR (Ex.-P/1A) was separately lodged in Police Station Kabirdham, Kawardha. The appellant had

also assaulted Jagannath (PW-4) in the same incident. During investigation Sukariyabai (PW-2) and Jagannath (PW-4) were medically examined. The injuries caused to Sukariyabai (PW-2) were found to be grievous in nature, there being head injury she had to undergo a long treatment. Statement of the witnesses were recorded under Section 161 of the Cr.P.C. and seizures of articles were made. After completion of the investigation charge sheet was filed before the concerned Court.

3. The appellant was charged with offence under Sections 452, 506B, 307 and 324 of the IPC, to which the appellant denied and prayed for trial.
4. On completion of the prosecution evidence, the appellant was examined under Section 313 of the Cr.P.C. in which he denied all the incriminating evidence against him, pleaded innocence and false implication. No witness was examined in defence.
5. On completion of the trial, the impugned judgment has been passed in which the appellant has been convicted and sentenced as aforementioned.
6. It is submitted by learned counsel for the appellant has been erroneously convicted by the trial Court without there being reliable and trustworthy evidence of the prosecution, hence, his conviction is bad in law. It is also submitted that the appellant has been released from jail after completion of the sentence of imprisonment imposed upon him by the trial Court, however, to restore the prestige of the appellant this appeal may be allowed.
7. Learned counsel for the State/respondent opposes the grounds raised in the appeal and the submission made in this regard and

submits that the prosecution has proved its case beyond reasonable doubt. Therefore, the appeal may be dismissed.

8. Heard learned counsel for the parties and perused the record of the trial Court.
9. Perused the entire evidence present in the record of the trial Court and after closely scrutinizing the same, I am of this opinion that the trial Court has not committed any error in convicting the appellant for the offences as aforesaid and in sentencing him accordingly. Therefore, this appeal is without any substance, hence, the same is accordingly dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge