

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 196 of 2008

Gopal Ram S/o. Ramshankar Vishwakarma, aged about 45 years,
R/o. Tapkara(Badharkona) Tahsil and P.S. Jashpur, District Jashpur
(C.G.) **---- Applicant**

Versus

State of Chhattisgarh, Through Station House Officer, Police
Station Jashpur, District Jashpur (C.G.) **---- Respondent**

For Applicant : Mr. A.K. Prasad, Advocate
For Respondent : Mr. Himanshu Sharma, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

01.04.2019

On 25.03.2005 complainant Shivcharan made a written complaint (Ex.P-1) in Police Station Jashpur and on the basis of written complaint, FIR was registered against the applicant, alleging that the applicant stopped him on the way and snatched his axe and assaulted on the head and hands of the complainant, thereafter, the complainant was sent for medical examination. After completion of investigation, charge sheet was filed against him under Section 324 IPC and charge was framed accordingly.

2. By the judgment dated 22.09.2005 learned trial Court convicted the accused/applicant under Section 324 IPC and sentenced him to undergo RI for four months and to pay fine of Rs. 200 with default stipulation, which on appeal has been affirmed by the judgment impugned. Hence, this revision.

3. Counsel for the applicant/accused 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 he has remained under detention of 12 days, the jail sentence imposed on him may be reduced to the period already undergone and thereby protect their well settled family life from being up-rooted at this stage.

4. State counsel however, supports the findings recorded by the both the Courts below.

5. Heard the State counsel and perused the evidence on record.

6. Having heard counsel for the parties and perused the material available on record including evidence of the important witnesses which shows the involvement of the accused/applicant in the crime in question where he caused injuries to the complainant. Evidence of PW-7- the doctor who medically examined complainant and gave his report under Ex.P-4, shows that he noticed incised wound over left arm in the size of 3x1 cm spindle shape margin and he opined that the injury caused by hard and sharp object. Seizure witnesses (PW-3) has also admitted his signature on the seizure memo Ex. P-3. Overall evidence thus establishes that on account of trivial dispute picked up first by the applicant himself, he opened an assault on the complainant causing injuries referred to above by a hard blunt object and therefore, his conviction under Section 324 IPC is maintained.

7. As far as the sentence part of the judgment impugned is concerned, looking to the fact that the incident had taken place 14 years ago and the applicant has already remained in jail for a period of 12 days and deposited fine amount imposed on him, in my opinion, no useful purpose is going to be served in again sending him to jail. Accordingly, his sentence is reduced to the period already undergone by him. However, the sentence of fine under section 324 IPC is enhanced from Rs. 200/- to Rs. 1000/-. Let this amount be deposited in the Court below within a period of 4 months from today or else they may not derive the benefit of this order.

8. With the above, the revision stands allowed in part

Sd/-

(Vimla Singh Kapoor)

JUDGE