

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 21 of 2008**

Ranjit Gaikwad @ Bad Son of Late Shri Ramesh Rao Gaikwad, aged about 28 years, R/o Marathapara Dhamtari, Police Station and District Dhamtari (C.G.).

---- Appellant**Versus**

State of Chhattigarh Through the Police Station Dhamtari, District Dhamtari (C.G.).

---- Respondent

For Appellant	:	Mr. Amit Kumar Sahu, Advocate
For Respondent	:	Mr. Amit Verma, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**29/11/2019**

1. This appeal has been preferred against the judgment dated 20/12/2007 passed in S.T. No. 03/2006 by the Additional Sessions Judge (FTC), Dhamtari (C.G.), whereby the Appellant has been convicted under Sections 324 – 324 of the IPC and sentenced to undergo RI for 2 - 2 years with fine of Rs. 1000/- & Rs. 1000/-, respectively, with default stipulations.
2. Facts of the case are that on 05/04/2004 at about 5:00 pm, the Appellant abused Complainant Vomesh and Dipesh in filthy language and assaulted them by an axe, due to which they sustained injuries. The matter was reported. After completion of investigation, a charge-sheet has been filed. Trial Court framed the charges under Section 506-B, 323, 324 & 307 of the IPC. As may as 14 prosecution

witnesses have been examined. No defence witness has been examined. Statement of the Appellant under Section 313 of the Cr.P.C has been recorded, wherein he has pleaded his innocence and false implication in the matter.

3. After trial, the trial Court has acquitted the Appellant from the charge framed under Section 294, 506-B and 307 of the IPC, however, the Appellant has been convicted and sentenced as mentioned in paragraph one of this judgment. Hence, this appeal.
4. Learned Counsel appearing for the Appellant submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. He further submits that the Appellant has undergone about 1 day during trial out of total jail sentence of 2 years, he has no criminal antecedent, he is facing the *lis* since 2014 and no fruitful purpose would be served to again send him in jail after 14 years therefore, he prays that the jail sentence awarded to the Appellant may be reduced to the period already undergone by him.
5. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.
6. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
7. Considering the above facts and circumstances of the case, particularly considering that out of total jail sentence of 2 years, the Appellant has undergone about 1 day, he is facing the *lis* since 2005 and there is no criminal antecedent against him, I am of the view that

the ends of justice would be met if, while upholding the conviction imposed upon the Appellant, the jail sentenced awarded to him is reduced to the period already undergone by him and the fine sentence imposed under Sections 324 & 324 of the IPC is enhanced to Rs. 10,000/- & Rs. 10,000/-, respectively. Ordered accordingly. The enhanced amount of fine shall be payable within 1 month from the date of receipt of a copy of this order. In default of payment, the Appellant shall be liable to undergo RI for 6 months and 6 months, respectively. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.

8. Consequently, the appeal is partly allowed to the extent indicated above.
9. It is reported that the Appellant/accused is on bail. His bail bond is not discharged at this stage and the same shall remain operative for a further period of 6 months in view of the provisions contained in Section 437-A of Cr.P.C.
10. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge