

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 422 of 2011

1. Sandhari Kewat S/o Devlal Kewat, Aged about 50 years R/o Village Beliya, P.S. Sonhat, Distt. Koriya (C.G.).
2. Ramlakhan S/o. Sandhari Kewat, Aged about 26 years R/o Village Beliya, P.S. Sonhat, Distt. Koriya (C.G.).

---- Appellants

Versus

State of Chhattisgarh Through Police Station Sonhat, District Koriya (C.G.)

---- Respondent

AND

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 471 of 2011

Tejbal Kewat S/o Sandhari Kewat, Aged about 46 years R/o Village Beliya, P.S. Sonhat, Distt. Koriya (C.G.)

---- Appellant

Versus

State of Chhattisgarh Through Police Station Sonhat, District Koriya (C.G.)

---- Respondent

For Appellants	:	None.
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

26/07/2019

1. Since both the appeals arise out of common impugned judgment dated 29/04/2011 passed in S.T. No. 84/2009 by the Sessions Judge, Koriya

Baikunthpur, therefore, they are being decided by this common judgment.

2. By the impugned judgment dated 29/04/2011 passed in Special Session Trial Case No. 84/2009 by the Sessions Judge, Koriya, Baikunthpur, the Appellants have been convicted under Sections 452, 436, 326/34 & 323/34 of the IPC and sentenced to undergo RI for 3 years with fine of Rs. 500/-, RI for 10 years with fine of Rs. 500/-, RI for 7 years with fine of Rs. 500/- and RI for 1 year with fine, respectively, with default stipulations.
3. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Raipur would mention that Appellant Sandhari Kewat has released on 02/03/2015, Appellant Ramlakhan has released on 26/01/2015 and Appellant Tejbal has released on 03/03/2015 after completing the entire jail sentence imposed upon them by the Trial Court.
4. Since no one appears for the Appellants today, I decide these appeals on merits.
5. I have heard Learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.
6. There is no dispute on the point that Complainant Krishna Kumar (PW5) and Kamli Bai (PW6) are brother and Aunty of Appellant Sandhari. Appellant Tejbal is brother of Sandhari and Appellant Ramlakhan is son of Sandhari. The Complainant in his Court statement has categorically stated that on the date of incident at about 11:00 am, Sandhari entered in his campus in intoxication condition.

Then, he called the other Appellants. All climbed on the roof of the Complainant and broke down the door of the roof. They entered into his house, thereafter, Appellant Ramlakhan assaulted him by Danda. Appellant Tejbal assaulted him by Tangiya and Appellant Sandhari assaulted him by Danda. It is further alleged that Appellant Tejbal also assaulted them by a bow (teer). When Kamli Bai (PW6) tried to intervene, they also assaulted her. This witness has further stated that he was brought to the hospital, where the Police official reached and recorded Dehati Nalsi vide Ex.P.-10. The above statement of Krishna Kumar (PW5) is duly corroborated by the Kamli Bai (PW6). Both the above witnesses were remained firm during their cross examination. From the medical report Ex.P-25 to Ex.P-29 also, it is clear that the Complainant sustained fracture of tibia fibula bone on his left hand. From the statement of Ramsingh (PW4) and Bachram (PW8), it is also established that the house of the Complainant Krishna Kumar was burned which was done by the Appellant.

7. Considering the above evidence available on record, the finding of the trial Court is just and proper and the said Court has rightly convicted the Appellants.
8. Consequently, I do not find any merit in these appeals. The appeals are dismissed.

Sd/-
(Arvind Singh Chandel)
Judge