

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 149 of 2008

Itwari Ram aged about 40 years son of Bakasram Satnami
Cultivator, R/o Village Jhal Tahsil Navagarh, District Durg (CG)

---- Applicant

Versus

State of Chhattisgarh through Collector, Durg (CG)

--- Respondent

For Applicant : Shri Ram Kumar Tiwari, Advocate

For Respondent : Shri Himanshu Sharma, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

06/05/2019

FIR lodged by victim Johan Ram (PW-1) goes to show that on 31.03.2005 when he had gone to the field to collect the fire wood, accused/applicant who was already present there, objected to it and when the victim claimed the fire wood to be of his own, the accused/applicant inflicted injuries with the help of club on his right hand. After medical examination of the victim and completion of other procedural formalities the *challan* was laid against the accused/applicant under Section 325 IPC followed by framing of charge accordingly.

2. Learned Magistrate held the accused/applicant guilty under Section 325 IPC and sentenced him to undergo RI for 2 years with fine of Rs.500/- vide judgment dated 09.01.2007. The said judgment received affirmation in appeal also vide judgment impugned dated 20.02.2008. Hence this revision.

3. Counsel for the accused/applicant submits that evidence on record does not establish the involvement of the accused/applicant in the crime in question and, therefore, his act cannot fall under Section 325 IPC. State counsel however supports the judgment impugned.

4. Taking into consideration over all evidence collected by the prosecution including the medical report (Ex.P-2) which shows that swelling

coupled with pain was noticed on the right forearm of victim (PW-1) as also considering the fact that the club which has been used in the incident has been seized under Ex.P-5, no infirmity or irregularity is noticeable in the judgment impugned so far as conviction of the accused/applicant under Section 325 IPC is concerned. It is hereby maintained.

5. As regards sentence, keeping in mind the fact that the incident had taken place in the year 2005 and that the accused/applicant has already suffered a lot by remaining inside for the period of about 15 days, this Court is of the view that interest of the justice would be served if the sentence imposed on him is reduced to the period already undergone. Order accordingly.

6. Revision thus partly allowed.

Sd/-

(Vimla Singh Kapoor)

Judge

Jyotishi/Ajay