

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 86 of 2009

Shatrughan S/o Barnu Ram, aged about 26 years, r/o Village Sarbda,
P.S. Gurur, District-Durg (C.G.)

---Applicant

Versus

State of Chhattisgarh through P.S. Gurur, District Magistrate Durg (C.G.)

--- Respondent

For Applicant : Shri Sameer Singh, Advocate

For State/Respondent : Shri D.P. Singh, G.A.

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

21/01/2019

Prosecution has put up its case to the effect that on 17.03.2005 when he was standing near his house, accused/applicant came there and holding him to be the thief of his firewood, started abusing and inflicted injury with the help of club. After medical examination of the victim, the matter was reported to the police and after completion of investigation *challan* was filed under Section 325 IPC, resulting in charge being framed accordingly.

2. By judgment dated 20.06.2008 learned trial Court convicted the accused/applicant u/s 325 IPC and imposed the sentence of RI for one year with fine of Rs. 1,000/-, plus default stipulation. In appeal, the conviction and sentence recorded by the trial Court have been affirmed. Hence this revision.

3. Counsel for the accused/applicant 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 for 27 days, the jail sentence imposed on him may be reduced to the period already undergone and thereby his well settled

family life may be protected from being up-rooted at this stage. State counsel however, supports the judgment impugned.

4. Statement of victim PW-1 reveals that on account of the injury inflicted by the accused/applicant, his right hand got fractured. The doctor (PW-6) has stated that in his report Ex. P-3 and Ex. P-7 he had opined that the victim suffered injury on his left forearm which was caused by some blunt object. According to him, on x-ray being done the tibia bone of the victim was also found to be fractured. In the query report Ex. P-5 it is further stated that the injury was grievous in nature and could be caused by the club produced before him for examination. In this view of the matter, the conviction of the accused/applicant u/s 325 IPC does not appear to be off the record and therefore it is maintained.

5. However, looking to the fact that incident had taken place in the year 2005 and thereby more than 13 years have passed-by, and further that the accused/applicant has already remained inside for 27 days, this Court thinks it proper to reduce the sentence imposed on him to the period already undergone, so that his already settled family life is not landed in crises. Order accordingly.

6. Revision allowed in part.

Sd/-

(Vimla Singh Kapoor)

Judge