

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 572 of 2008**

Shiv Prasad s/o Pheruram, aged about 58 years, Occupation – Agriculturist,
R/o village – Deyurgaon, P. S. & Tahsil- Saja, District Durg (C. G.)

---- Applicant

Versus

1. Sita Ram s/o Uderam Verma, aged about 58 years.
2. Temraj Verma s/o Sitaram Verma, aged about 28 years.
3. Kileshwar Verma S/o Sitaram Verma, aged about 28 years.
4. Chain Kumar s/o Manaram Verma, aged about 30 years.
All resident of village Deyurgaon, P. S. Saja, District Durg (C. G.)
5. State Of Chhattisgarh Through- P.S. Saja, Distt. Durg C.G.

--- Respondents

For Applicant	:	Mr. Vivek Sharma, Advocate
For State	:	Mr. Avinash K. Mishra, Panel Lawyer

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Rajani Dubey****Order On Board****02/05/2019**

1. This revision is preferred by the appellant aggrieved by the impugned judgment of conviction of respondents to the extent that respondents have been acquitted of charges of commission of offence under Section 307 I.P.C. and convicted under Section 324 I.P.C.
2. Learned counsel for the appellant would argue that the evidence of the victim Shiv Prasad (PW1) and the medical evidence on record particularly one incised wound on the head and permanent damage to the right eye proves that there was an intention of causing death. Therefore, irrespective of the nature of injury, a clear case of commission of offence under Section 307 I.P.C. was made out. He would argue that the doctor has opined that the injury on the right eye was grievous in nature.
3. We have gone through the medical evidence and the evidence of the victim. The learned trial Court has convicted the respondents/accused under Section 324 I.P.C. taking into consideration that there was single injury on the head

and there was no fracture. At this distance of time, taking into consideration that the learned trial Court has not granted complete acquittal but convicted them under Section 324 of I.P.C., without commenting upon the legality of the said judgment, we do not find present to be a fit case for alteration of conviction or enhancement of sentence.

4. The revision is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge