

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 141 of 2014**

- Brijmohan Singh son of Dhuntiram Rathiya, aged about 60 years, resident of Village- Chhuidodha, Police Station- Krtala, Civil and Revenue district- korba (C.G.).

----Appellant**Versus**

- State of Chhattisgarh, through the Station House Officer, Police Station- Station- Kartala, Civil and Revenue District- Korba (C.G.).

---- Respondent

For Appellant	Shri Vipra Sen Agrawal, Advocate.
For Respondent/State	Shri Vikas Shrivastava, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra**Hon'ble Shri Justice Gautam Chourdiya****Judgment on Board by Justice Prashant Kumar Mishra****03/07/2019**

1. The appellant stands convicted under Section 302 of IPC for committing murder of deceased- Sukhram Rathiya and sentenced to undergo life imprisonment and fine of Rs. 2,000/- with default stipulation vide judgment of conviction and order of sentence dated 19.03.2013 passed in ST No. 28/2012 by Additional Sessions Judge, Korba (C.G.).

2. Appellant would call in question the legality and validity of above judgment of conviction and order of sentence rendered by the trial Court.
3. According to the prosecution, the appellant entered into the house of the deceased at about 11.00 pm on 13.02.2012 and assaulted him by means of *Basula* causing serious injuries over his person resulting in his instant death.
4. The prosecution relies on the statement of eyewitness Sonamati (PW-4) widow of deceased- Sukhram as well as the statement of informant Dhansingh (PW-1), and Bishi Kuwar (PW-3). The Trial Judge has relied on these statements as also the evidence of seizure of *Basula* from the possession of the appellant to convict him for committing murder of the deceased -Sukhram.
5. It is argued that evidence of Sonamati (PW-4) is not reliable therefore, the appellant deserves to be acquitted.
6. Learned State counsel would support the impugned judgment.
7. Heard learned counsel for the parties at length and perused the record.
8. Merg intimation (Ex. P/1) was registered on the information of Dhan Singh (PW-1) stating that at about 12.00 midnight

on the date of incident Sonamati (PW-4) came to his house to inform that appellant has pushed the door of her house and thereafter assaulted the deceased by means of *Basula* over his mandible region. The FIR (Ex. P/2) was recorded at about 11.00 am on 14.02.2012. In the FIR itself the fact of Sonamati seeing the commission of offence is clearly mentioned. The statements of witnesses were recorded promptly and similarly seizure of the weapon and other articles was also done on 01.03.2012 and thereafter the charge-sheet was filed.

9. The Autopsy surgeon found that the cause of death is shock due to excessive blood loss due to multiple wound which is homicidal in nature. The deceased received as many as eight chop wounds over different parts of the face, mandible region, scapula.

10. In her statement Sonamati (PW-4) would state that when she was sleeping with her husband, the accused entered the house, picked up the *Basula* and assaulted her husband-Sukhram over his right mandible region, due to which he died instantly. She also says that she immediately informed the incident to Dhansingh (PW-1) and Bishi Kuwar (PW-3) and others. Supporting her statement, Dhansingh (PW-1) states that his aunt (*Phuphu*) Sonamati had informed him about the fact of appellant committing murder of the

deceased. Similar is the statement of Bishi Kuwar (PW-3). Statement of Sonamati (PW-4) is thus duly corroborated by the statements of Dhansingh (PW-1) and Bishi Kunwar (PW-3). Coupled with prompt FIR and recovery of the weapon, we are satisfied that the statement of Sonamati is trustworthy. There is no reason for Sonamati (PW-4) to falsely implicate the appellant. There is strong motive for committing the offence on account of subsisting land dispute due to partition of land amongst family members. Thus evidence of eyewitness Sonamati (PW-4) being reliable, the trial Court has rightly convicted the appellant.

11. In the result, the appeal being bereft of any substance is liable to be and is, accordingly, dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge