

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1053 of 2014**

- Ram Prasad Kanwar S/o Beerañjan Kanwar, Aged About 28 Years, R/o. Vill. Dongripali, Junwani, Kodgar, P.S. Pendra, Civil and Revenue District Bilaspur C.G., Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Pendra, Civil and Revenue District Bilaspur C.G., Chhattisgarh

---- Respondent

For Appellant : Mr. N.K. Chatterjee, Advocate.

For Respondent/State: Ms. Madhaunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Judgment on Board****17/01/2019**

1. This appeal has been preferred against judgment dated 17-10-2014 passed in Sessions Trial No.29/2013 by the Additional Sessions Judge, Pendra Road, District Bilaspur, C.G. convicting the appellant under Section 307 of the IPC and sentencing him with R.I. for 7 years along with fine Rs.200/- with default stipulation.
2. The prosecution case, in brief, is this, on 21-03-2013 this appellant assaulted Urmilabai (PW-11), his wife, with an axe causing fatal injury on her head regarding which the FIR (Ex.-P/14) was lodged by Suraj Sahu (PW-9). The offence was registered against the appellant and the case was investigated. After completion of investigation charge sheet was filed.
3. The appellant was charged with offence under Sections 307 of the IPC, to which he denied and prayed for trial.
4. After completion of the prosecution evidence, the appellant was

examined under Section 313 of the Cr.P.C., in which the appellant denied all the incriminating evidence against him, pleaded innocence and false implication. No witness was examined in defence.

5. After completion of the trial, the impugned judgment has been passed where in the appellant has been convicted and sentenced as aforementioned.
6. It is submitted by learned counsel for the appellant that conviction of the appellant is based only on the evidence of Urmilabai (PW-11), who was the victim and Pawan Singh (PW-10) who is witness of the extra judicial confession. Urmilabai (PW-11) being interested person her evidence should not have been made basis of the conviction and the evidence of extra judicial confession is very weak evidence to be relied upon, therefore, conviction of the appellant had been bad in law. It is also submitted that the appellant has been released after completion of the sentence of imprisonment imposed upon him by the trial Court. However, to restore the prestige of the appellant the appeal may be allowed.
7. Learned counsel for the State/respondent opposes the grounds raised in the appeal and the submission made in this regard and submits that the prosecution has proved its case beyond reasonable doubt. Hence, there is no reason for interference in the findings recorded by the trial Court. Therefore, the appeal may be dismissed.
8. Heard learned counsel for the parties and perused the record of the trial Court.

9. Perused the entire evidence present in the record of the trial Court and after closely scrutinizing the same, I am of this opinion that the trial Court has not committed any error in convicting the appellant for the offences as aforesaid and in sentencing him accordingly. Therefore, this appeal is without any substance, hence, the same is accordingly dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge