

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 799 of 2013

Shudro Yadav S/o Leelam Mahkul, aged about 29 years R/o Village Masarighat,
Tahsil and P.S. Tapkara, Civil and Revenue District Jashpur (C.G.)

---- Appellant

Versus

State of Chhattisgarh P.S. Tapkara, District Jashpur (C.G.)

---- Respondent

For Appellant	:	None.
For Respondent	:	Mrs. Smriti Shrivastava, PL

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

23/07/2019

1. By the impugned judgment dated 25/07/2012 passed in Sessions Trial No. 01/2011 by the Sessions Judge, Kunkuri, the Appellant has been convicted under Sections 498 (A), 307 and 326 of the IPC and sentenced him to undergo rigorous imprisonment for 1 year with fine of Rs. 1000/-, RI for 10 years with fine of Rs. 3000/- and RI for 3 years with fine of Rs. 2000/-, respectively, with default stipulations.
2. Facts of the case are that the Appellant is husband of the Injured Rajani Bai. Their marriage was solemnized in the year 2010. It is alleged that the Appellant being husband, used to torture her on account of dowry. On the date of incident i.e. 11/07/2010 at about 3:00 am in the night, he assaulted the Injured with an Axe and as a result of which, she sustained grievous injuries on her body. The matter was

reported by Rameshwar (PW11) vide Ex.P-8. The Complainant/Injured was medically examined by Dr. Smt. J. Minj (PW9). Her report is Ex.P-5. During course of investigation, an Axe has been seized from the possession of the Appellant, which was also examined by Dr. Smt. J. Minj (PW5). Statement of witnesses under Section 161 of the Cr.P.C were recorded. After completion of investigation, a charge-sheet has been filed. Trial Court framed charges under Section 498-A, 326 and 307 of the IPC. As many as 16 witnesses have been examined. No defence witness has been examined. Statement of the Appellant under Section 313 of the Cr.P.C has been recorded, wherein he has pleaded his innocence and false implication in the matter.

3. After trial, the trial Court has convicted and sentenced the Appellant as mentioned in paragraph one of this Judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Ambikapur would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released 30/06/2018
5. Since no one appears for the Appellant today, I decide this appeal on merits.
6. I have heard Learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.
7. Injured Rajani Bai (PW10) in her Court statement has categorically stated that on the date of incident, the Appellant assaulted her with an

Axe and due to which she sustained injuries on his head, hand and stomach. She remained firm during her cross-examination. Her statement is duly corroborated by Rameshwar yadav (PW11), Pati Bai (PW1), Bhappi Raut (PW12) and Rukmani (PW13). From the statement of Dr. Smt. J. Minj (PW9) and MLC report Ex.P-5, it is clear that the Injured sustained total 4 injuries on her body. Injury No. 1 was on her stomach and other injuries were on right wrist and fingers of left hand. As opined by Dr. Smt. J. Minj, all the injuries were caused by a sharp edged object.

8. On minute examination of the above evidence, it is clear that the injuries were caused by the Appellant, therefore, the finding of the trial Court is in accordance with law and the trial Court has rightly convicted the Appellant.
9. Consequently, I do not find any merit in this appeal. The same is dismissed.

**Sd/-
(Arvind Singh Chandel)
Judge**