

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 369 of 2013

Ramswaroop Chandra S/o Late Khamman Chandra, aged about 34 years R/o Village Pihrid, Police Station Malkharoda, District Janjgir-Champa (C.G.).

---- Appellant

Versus

State of Chhattisgarh through Station house Officer, Police Station Malkharoda, District Janjgir-Champa (C.G.)

---- Respondent

For Appellant	:	None.
For Respondent	:	Ms. Shriya Mishra, PL

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

12/09/2019

1. By the impugned judgment dated 21/03/2013 passed in Session Trial No. 252/2011 by the Additional Sessions Judge, Sakti, District Janjgir-Champa (C.G.), the Appellant has been convicted under Section 307 of the IPC and sentenced to undergo rigorous imprisonment for 10 years with fine of Rs. 60,000/- with default stipulation.
2. Facts of the case are that the Appellant got married with Complainant Sunita Chandra in the year 2002. They have two children. It is alleged that after the marriage, the Appellant and his parents tortured the Complainant regularly on pity things. It is also alleged that on 05/08/2011 due to some dispute on last night, the Appellant attempted to commit murder of the Complainant by putting her on fire, which

caused grievous injuries on the various parts of the body of the Complainant. On the basis of complaint made by the Complainant, offence has been registered. After completion of investigation, a charge-sheet under Section 498-A and 307 of the IPC has been submitted against the Appellant. Charge-sheet under Section 498-A of the IPC has also been submitted against the parents of the Appellant namely Khamman and Darasmati. Trial Court framed the charges. As many as 14 prosecution witnesses have been examined. No defence 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 learned trial Court has acquitted the Appellant and co-accused Khamman and Darasmati from the charge framed under Section 498-A of the IPC, however, the Appellant has been convicted and sentenced as mentioned in paragraph one of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Bilaspur would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released 14/05/2019.
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. In para 6 of her statement recorded before the trial Court, Complainant Sunita (PW1) has categorically stated that on the date of incident, the Appellant came with a piece of burning bamboo and put her on fire due to that the Complainant sustained burn injuries on her body. This witness has remained firm during her cross examination. Her above statement is duly corroborated by Bhoj Bai (PW2), Mehtin Bai (PW3) and Bhagat Ram (PW4). Dr. R.P. Kurre (PW8) examined the injured Sunita. His report is Ex.P.10. As per his report, the Complainant sustained 32% of burn injuries on her body.
8. Considering the entire evidence available on record, the trial Court has rightly convicted the Appellant which does not require any interference.
9. Consequently, I do not find any merit in this appeal. The same is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge