

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.A. No. 654 of 2013

Sukhram Kanwar, S/o. Prem Sai Kanwar, Aged About 45 Years, R/o. Village Tandapara (Dipapara), Chowki - Jobi, P.S. and Tah. Kharsiya, Civil and Rev. Distt. Raigarh C.G.

---- Appellant

Versus

State Of Chhattisgarh, Through : Distt. Magistrate, Raigarh, Distt. Raigarh C.G.

-----Respondent

For Appellant	: Mr. Krishna Tandon, Advocate
For Respondent/State	: Mr. A.N.Bhakta, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/01/2019

1. This appeal has been preferred against the judgment of conviction and order of sentence, passed by the Sessions Judge, Raigarh, District – Raigarh (C.G.), in Sessions Trial No.108/2011 on 05.06.2013, convicting the appellant for the offence under Section 307 of the Indian Penal Code and sentencing him for rigorous imprisonment for a period of 10 years and fine of Rs.5000/- and in default of payment of fine, R.I. for 2 years more.
2. The case of the prosecution is this that on 02.07.2011 at about 6.30 PM, the appellant had assaulted the victim Gajaram with spade on

account of some previous enmity causing injuries to him on his neck, jaw and other parts of the body. Complainant – Narayan Singh (P.W.-1) lodged unnumbered FIR vide Ex.P-11 on the same day and on that basis, the victim was medically examined and sent for treatment to the hospital. Thereafter, the investigation was completed and charge-sheet was filed against the appellant before the concerned Court.

3. Appellant was charged with offence under Section 307 of the Indian Penal Code. The appellant denied the charges and prayed for trial. The prosecution examined as many as seven witnesses on its behalf. On examining the appellant under Section 313, he denied all the incriminating evidence against him and pleaded innocence and false implication. No witness was examined in defence. On completion of trial, judgment has been delivered, in which the appellant stands convicted and sentenced as mentioned aforesaid.
4. It is submitted by the learned counsel appearing on behalf of the appellant that that the appellant has been wrongly convicted by the trial Court on the basis of the unbelievable evidence of the prosecution evidence and the prosecution has totally failed to bring the evidence beyond reasonable doubt. It is also submitted that according to the information received, the appellant has undergone whole sentence of imprisonment and he has also paid the fine amount imposed upon him and has been released from jail.
5. Counsel for the State opposes the grounds raised in appeal and the submissions made in this respect. It is submitted that the

prosecution has proved its case beyond all reasonable doubts. Hence there is no room for interference in the impugned judgment, hence, the appeal be dismissed.

6. I have heard the learned counsel for the parties and perused the record of the Court below.
7. The point in issue in this appeal is whether the prosecution has proved the charges against the appellant on the basis of the evidence beyond reasonable doubt?
8. After closely scrutinizing the evidence of all the relevant witnesses, in this case and after due consideration I am of this view that the trial Court has not committed any error in coming to the conclusion of finding guilt against the appellant, therefore, the appeal is without any substance and it is dismissed accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge