

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 590 of 2013**

Nehroolal Yadaw S/o Saran Yadaw Aged About 55 Years R/o Village Manuapali, P.S. Chakradharnagar , Rev. And Civil Distt. Raigarh C.G. , Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh S/o Through - Distt. Magistrate Raigarh Rev. And Civil Distt. Raigarh C.G. , Chhattisgarh.

---- Respondent

For the Appellant : Shri Vivek Pandey, Advocate.
For the Respondent/ State: Shri Arun Shukla, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Judgment on Board

10.01.2019

1. This appeal has been preferred against the judgment of conviction and order of sentence dated 11.6.2013 passed by the Learned Second Additional Sessions Judge, Raigarh, District Raigarh, Chhattisgarh in Sessions Trial No.103 of 2011, whereby and whereunder, the learned Second Additional Sessions Judge has convicted the appellant under Sections 307 and 324 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 8 years and 1 year and to pay fine of Rs.2,000/-, in default of payment of fine, to further undergo RI for 4 months.

2. Conviction is impugned on the ground that without there being any iota of evidence, the trial Court has convicted and sentenced the appellant as aforementioned and thereby committed illegality.

3. The case of the prosecution, in brief, is that on 28.3.2011, victim – Chetram (PW-7) irrigating his agricultural field and the appellant brought his cattle for grazing on the spot. When the victim objected to it, the appellant by using abusive words for the victim assaulted him with an axe causing injury on his head. FIR was lodged by the son of the victim on the same day in police station Chakradharnagar, District Raigarh for the offence registered under Sections 307 and 324 of the IPC. After completion of investigation, the charge-sheet was filed before the concerned Court.

4. During trial, the Court below framed the charges against the appellant under Sections 307 and 324 of the Indian Penal Code. The prosecution examined 11 witnesses to prove the guilt of the appellant. No witness examined in defence. Statements of the appellant were recorded under Section 313 of the Cr.P.C. wherein the appellant denied the circumstances appearing against him and pleaded innocence and false implication in the crime in question.

5. After affording opportunity of hearing to both the parties, learned trial Judge convicted and sentenced the appellant as aforementioned.

6. I have heard learned counsel for the parties, perused the judgment impugned and records of the Court below.

7. It is submitted by the learned counsel appearing on behalf of the appellant that the appellant has been wrongly convicted by the trial Court on the basis of the unbelievable evidence of the prosecution 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.

8. Learned 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 doubt. Hence, there is no room for interference in the impugned judgment, hence, the appeal be dismissed.

9. I have heard the learned counsel for the parties and perused the record of the Court below.

10. 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?

11. 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 convicting and sentencing the appellant by the impugned judgment. Therefore, the appeal is without any substance and it is dismissed accordingly.

Sd/-

(Rajendra Chandra Singh Samant)
Judge