

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 621 of 2013**

1. Rupesh Sahu S/o Kehar Sahu, Aged About 25 Years, R/o Near Munni Dukan, Satbahaniya Mandir, Ramkund, P.S. Saraswati Nagar, Civil and Revenue District Raipur C.G., Chhattisgarh
2. Jeevan S/o Dauua Ram Sahu, Aged About 25 Years, R/o Near Munni Dukan, Satbahaniya Mandir, Ramkund, P.S. Saraswati Nagar, Civil and Revenue District Raipur C.G., Chhattisgarh

---- Appellants**Versus**

- State Of Chhattisgarh, through P.S.- Saraswati Nagar, Civil & Rev. District Raipur C.G., Chhattisgarh

--- Respondent

For Appellants : Shri J.K. Gupta, Advocate.

For Respondent/State: Shri Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Judgment on Board

07/02/2019

1. This appeal has been preferred against judgment dated 27-06-2013 passed in Session Trial No.225/2011 by the 7th Additional Sessions Judge, Raipur, C.G. convicting the appellants under Sections 307/34 and 323/34 of the IPC and sentencing them with R.I. for 5 years and R.I. for 6 months along with fine of Rs.1000/- and Rs.500/-, respectively, with default stipulations and direction that both the jail sentences shall run concurrently.
2. The case of the prosecution, in brief, is this, that on 29-06-2011 in the evening complainant Pannalal (PW-2) was present on the spot of incident when the appellants along with co-accused Appu @ Bhuvanlal and Pappu @ Faddan abused the victim with abusive words and then assaulted him with hands and fists and knife

causing injuries to him with intention to cause his death. Eye-witnesses were present on the spot of incident. The FIR (Ex.-P/2) was lodged by Pannalal (PW-2), on that basis investigation was made. Injured Pannalal (PW-2) was medically examined. Incised wounds were found present on the temporo-parietal region of head and forehead and 8 penetrating injuries were found on the buttock and thigh of victim Pannalal (PW-2), which were reported accordingly. Chandulal (PW-4) was also assaulted by the appellants and co-accused persons in the same incident, who suffered simple injuries. Statement of the witnesses were recorded under Section 161 of the Cr.P.C. and seizure of articles were made.

3. The appellants and co-accused persons were charged with offence under Sections 294, 506 Part -II, 307/34 and 323/34 of the IPC, to which they denied and prayed for trial.
4. On completion of the prosecution evidence, the appellants and co-accused persons were examined under Section 313 of the Cr.P.C. in which they denied all the incriminating evidence against them, pleaded innocence and false implication. No witness was examined in defence.
5. On completion of the trial, the impugned judgment has been passed in which the appellants and the co-accused persons have been convicted and sentenced.
6. It is submitted by learned counsel for the appellants have been erroneously convicted by the trial Court without there being reliable and trustworthy evidence of the prosecution, hence, their conviction is bad in law. It is also submitted that the appellants have been released from jail after completion of the sentence of imprisonment imposed upon them by the trial Court, however, to restore the

prestige of the appellants 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. 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 appellants for the offences as aforesaid and in sentencing them accordingly. Therefore, this appeal is without any substance, hence, the same is accordingly dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge