

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.A. No. 584 of 2014

Premlal Sahu, S/o. Shivdayal Sahu, Aged About 48 Years, R/o. Khaida, P.S. Kasdole, Distt. Raipur, Now Baloda Bazar C.G.

---- Appellant

Versus

State Of Chhattisgarh, Through : S.H.O., P.S. - Kasdole, Distt. Raipur, (Now Baloda Bazar -Bhatapara, Chhattisgarh)

-----Respondent

For Appellant	: Mr. Kamleshwar Prasad Sahu, Advocate
For Respondent/State	: Mr. Aadil Minhaz, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/01/2019

1. This appeal has been preferred against the judgment of conviction and order of sentence, passed by the First Additional Sessions Judge, Baloda Bazar, District – Raipur (C.G.), in Sessions Trial No.41/2012 on 10.04.2013, 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.500/- with default stipulations.
2. The case of the prosecution is this that on 04.05.2012, at about 5.00 PM, because of some petty dispute, the appellant got enraged and assaulted the victim/complainant Umashankar with Axe causing

injuries of incised wound on his head. FIR (Ex.P-6) was lodged and on that basis, investigation was conducted 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 ten 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 the appellant has already undergone the sentence imposed upon him by the trial Court and he has been released from the 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