

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.A. No. 679 of 2014

Bhupendra Kumar @ Golu Sahu, S/o. Shri Posan Lal Sahu, Aged About 18 Years, R/o. Village Nagaldah, P.S. Ghumka, Civil and Rev. Distt. Rajnandgaon (C.G.).

---- Appellant

Versus

State Of Chhattisgarh, Through : P.S. Ghumka, Civil and Rev. Distt. Rajnandgaon (C.G.)

-----Respondent

For Appellant	: Mr. K.S. Kurre, Advocate
For Respondent/State	: Mr. Arun Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/01/2019

1. This appeal has been preferred against the judgment of conviction and order of sentence, passed by the learned Second Additional Sessions Judge, Rajnandgaon, District – Rajnandgaon (C.G.), in Sessions Trial No.36/2013 on 20.03.2014, convicting the appellant for the offence under Section 307 of the Indian Penal Code and sentencing him for rigorous imprisonment for a period of 7 years and fine of Rs.100/- with default stipulation.
2. The case of the prosecution is this that on 09.02.2013, the appellant caught hold of the child Saurabh age six years and tying him with

rope, threw him on the sharp edged stone with intention to cause his death. The victim became unconscious and when he came to consciousness, he informed about the incident to the witnesses and his father, regarding which FIR was lodged and on that basis investigation has been done and the charge-sheet has been 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 13 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 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 completely undergone the sentence imposed upon him by the trial Court and he has been released from the jail, therefore, to restore the prestige of the appellant, this appeal be allowed.
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. Perused the entire evidence of all the witnesses examined by the prosecution before the trial Court. After closely scrutinizing the same 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