

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 774 of 2014**

Mahima Singh W/o Jayram Manjhi, aged about 23 years Occupation Labour R/o Village Naveen Ghatgaon, Police Station Lailunga, Civil and Revenue, District Raigarh (C.G.).

---- Appellant

Versus

State of Chhattigarh through the Incharge Arakshi Kendra Lailunga, District Raigarh (C.G.).

---- Respondent

For Appellant	:	Mr. Suresh Tandon, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

06/08/2019

1. This appeal has been preferred against the judgment dated 04/08/2014 passed in Special Trial No. 94/2014 by the Sessions Judge, Raigarh (C.G.), whereby the Appellant has been convicted under Section 307 of the IPC and sentenced to undergo RI for 8 years and to pay fine of Rs. 1000/- with default stipulation.
2. Facts of the case are that on 15/11/2013 due to some dispute, the Appellant assaulted Injured Sanjay Kumar Nagwanshi on his back side, shoulder and abdomen by an Axe as a result of which, he sustained grievous injuries and was admitted in hospital. The matter was reported by Sanjay Nagvanshi (PW2) vide Ex.P.-11. During course of investigation on the basis memorandum statement of the

Appellant, one Axe has been seized from her possession. Her clothes, stained with blood were seized. Statements of the witnesses under Section 161 of the Cr.P.C were recorded. After completion of the investigation, a charge-sheet has been filed. The trial Court framed the charges under Section 307 of the IPC. As many as 8 prosecution witnesses have been examined. No defence witness has been examined. Statement of the Appellant under Section 313 of the Cr.P.C has been recorded, wherein she has pleaded her innocence and false implication in the matter.

3. After trial, the trial Court has convicted and sentenced the Appellant as mentioned in paragraph one of this Judgment. Hence, this appeal.
4. Learned Counsel appearing for the Appellant submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. He further submits that the Appellant is a lady and out of total jail sentence of 8 years, she is in jail since 22/11/2013, thus, she has completed about 6 years. She has no criminal antecedent and she is facing the *lis* since 2013, therefore, he prays that the jail sentence awarded to the Appellant may be reduced to the period already undergone by him.
5. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.
6. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
7. Considering the above facts and circumstances of the case,

particularly considering that out of total jail sentence of 8 years, the Appellant has undergone about 6 years, she is facing the *lis* since 2013 and there is no criminal antecedent against her, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Appellant, the jail sentenced awarded to her is reduced to the period already undergone by her.

8. Consequently, the appeal is partly allowed. The conviction of the Appellant under Section 307 of the IPC is upheld and she is sentenced to the period already undergone by her. The fine sentence is affirmed.
9. It is reported that the Appellant/accused is jail since 22/11/2013. She be released, forthwith, if not required in any other case.
10. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge