

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRA No. 1247 of 2019**

State of Chhattisgarh, Through- The Station House Officer,  
Police Station Akaltara, District- Janjgir-Champa (C.G.)

**---- Appellant**

**Versus**

1. Sabit Khan @ Sabid Khan, S/o- Abid Khan, Aged about- 21 years, R/o- Dhuripara Mangala, Bilaspur, P.S. Civil Lines, District- Bilaspur (C.G.)
2. Satyaprakash @ Sonu, S/o- Dhansai Mangeshkar, Aged about- 21 years, R/o- Dhuripara Mangala, Bilaspur, P.S. Civil Lines, District- Bilaspur (C.G.)
3. Ashish Kumar @ Rahul, S/o- Kishan Prasad Soni, Aged about- 22 years, R/o- Dhuripara, Mangala, Bilaspur, P.S. Civil Lines, District- Bilaspur (C.G.)

**---- Respondents**

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For State : Mr. Raghvendra Verma, G.A.

For Respondents : None  
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**Hon'ble Shri Justice Ram Prasanna Sharma**

**Judgment On Board**

**20/11/2019**

1. Heard on I.A. No. 1/2019, which is an application for condonation of delay in filing the appeal.
2. On due consideration, the application is allowed and the delay of 367 days in filing the appeal is hereby condoned.
3. This appeal is preferred under Section 377 of CrPC, 1973 on ground of inadequacy of sentence against judgment dated 13<sup>th</sup> June 2018 passed by Sessions Judge, Janjgir-Champa (C.G.) in Sessions Trial No. 40/2017 wherein the respondent No.1- Sabit Khan@ Sabid Khan has been convicted under Section 307 of IPC and has been sentenced for 7 years R.I. and a fine of Rs. 100/- and in absence of payment of fine, additional five

days R.I. was ordered for. The respondents No. 2 & 3 have been convicted under Section 323/34 of IPC and both of them have been sentenced simple imprisonment for 4 months 18 days under Section 323/34 of IPC.

4. After going through the records, this Court is of the view that sentence of 7 years awarded to the respondent No.1 for commission of offence under Section 307 of IPC cannot be termed as inadequate. Again, sentence of 4 months and 18 days for offence under Section 323/34 of IPC for Respondents No.2 and 3 also cannot be termed as inadequate because for offence under Section 323 of IPC jail sentence is not compulsory. Therefore, it is not a case where interference of this Court is required with sentence passed by the Trial Court. It is not a case where respondents should be called for hearing again for full consideration of this appeal.
5. Accordingly, the appeal is liable to be and is hereby dismissed at motion stage.

Sd/-

**(Ram Prasanna Sharma)**  
Judge