

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.2094 of 2019

- State Of Chhattisgarh, Through Police Station Pandariya, District Kabirdham, Chhattisgarh

---- Petitioner

Versus

- Laxman, S/o Heeralal Joshi, Aged About 18 Years, R/o Ghoghrapara, Ward No.08, Pandariya, Police Station Pandariya, District Kabirdham, Chhattisgarh

---- Respondent

For Appellant

Shri Aditya Sharma, PL

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board by Prashant Kumar Mishra J.

16/09/2019

1. On due consideration, delay of 8 days in filing the CRMP is condoned. Accordingly, IA No.1/2019 is allowed.
2. The Trial Court has acquitted the accused of the charges under Sections 450 and 307 of IPC and instead he has been convicted for committing offence under Section 323 of IPC.
3. The Trial Court has discussed the nature of injuries and the manner of assault in paras 11 to 14 of the impugned judgment. Except for two lacerated wounds, one over the right side of the head and the other over little finger and ring finger of the right hand, all other injuries were abrasions caused by hard and blunt object i.e. iron rod. The iron rod not being a weapon and the

injuries not found to be grievous in nature, the Trial Court had no option but to convict the accused for offence under Section 323 of IPC only.

4. No case for grant of leave to appeal is made out. The CRMP deserves to be and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Nirala