

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2167 of 2019

- Applicant

1. Rajaram Sahu S/o Dukhiram Sahu Aged About 59 Years
Occupation Agriculturist, R/o Village Padkidih, Police Station
Nawagarh, District Bemetara Chhattisgarh.
2. Smt. Surtana Bai W/o Rajaram Sahu Aged About 50 Years
Occupation Labour, R/o Village Padkidih, Police Station
Nawagarh, District Bemetara Chhattisgarh.
3. Kuleshwar Sahu S/o Ramesh Sahu Aged About 22 Years
Occupation Agriculturist, R/o Village Padkidih, Police Station
Nawagarh, District Bemetara Chhattisgarh.

---- Respondents

For Applicant-State :- Shri Chitendra Singh, PL

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

30/09/2019

1. Heard.

2. On due consideration delay of 92 days in filing the present Cr.M.P. is condoned. Accordingly, I.A. No.1 is allowed.
3. Considering the nature of injuries sustained by injured-Rohit Kumar Sahu, we are inclined to admit the appeal against the acquittal from the charges under Section 307 against Respondent No.1, **Rajaram Sahu**, only.
4. In so far as acquittal of Respondent No.2, **Smt. Surtana Bai**, and Respondent No.3, **Kuleshwar Sahu**, is concerned, it is to be seen that while Surtana Bai assaulted the injured by club, Kuleshwar Sahu was present on the spot without taking part in any act. Each of the accused has, therefore, been rightly held guilty for the respective offences committed by them. Their acquittal for offence under Section 307/34 of the IPC does not call for any interference. Leave to appeal against **Surtana Bai** and **Kuleshwar Sahu** is refused.
5. Let regular acquittal appeal be registered only against Respondent No.1, **Rajaram Sahu**, and the same be placed for consideration in the week after next.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Ankit