

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 358 of 2010

Shivram Sinha S/o. Phoolsingh Sinha, aged about 37 years, R/o.
Village Bhoiyna, District Dhamtari (C.G.)

---- **Applicant**

Versus

State of Chhattisgarh, Through the District Magistrate, Dhamdari
District Dhamtari (C.G.)

---- **Respondent**

For Applicant : Mr. Shivendu Pandya, Advocate
For Respondent : Mr. Sameer Sharma, Dy. Govt. Advocate

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

26.11.2020

On 24.08.2004 FIR (Ex.P-4) was registered in Police Station Arjuni by the wife of the applicant, alleging in it that her husband twisted his hands regarding some house dispute, as a result of which her fingers got fractured. The complainant was admitted in the hospital for treatment and the statement of the witnesses were recorded. After completion of investigation, charge sheet was filed against the applicant under Section 325 IPC and charge sheet was framed accordingly.

2. By the judgment dated 29.04.2010 learned trial Court convicted the accused/applicant under Section 325 IPC and imposed the sentence of RI for one year and to pay fine of Rs. 1000/- pluse default stipulation. In appeal, the conviction

recorded by the trial Court has been affirmed. Hence, this revision.

3. Counsel for the applicant submits that the judgment of conviction and order of sentence passed by trial court is arbitrary, illegal and contrary to the evidence collected by the prosecution. As a last resort counsel for the applicant submits that if this Court does not interfere with the conviction part of the judgment impugned at least the sentence imposed on him may be reduced to the period already undergone.

4. State counsel, however, supports the judgment impugned.

5. After considering the submissions made by learned counsel for the parties and looking to the facts and circumstances of the case, it appears that the applicant does not challenge the conviction directed against him. However, looking to the evidence of victim Dularibai (PW-2), Manrakhan (PW-1), Sattesingh (PW-4), timely lodged FIR Ex.P-4 and medical reports (Ex.P-2) proved by Dr. J. S. Khalsa (PW-3) which says that fracture was found on the ring finger of the complainant. Thus, the involvement of the accused/applicant under Section 325 IPC for causing injury to the complainant is fully manifest from the evidence on record, and therefore, the conviction as recorded by the court below is hereby maintained.

6. However, looking to the fact that the incident had taken place in the year 2004 and thereby more than 17 years have passed by, and further that the accused/applicant has already remained inside for more than 8 days, this Court thinks it proper

to reduce the sentence imposed on him to the period already undergone, so that his already settled family life is not landed to crises. Order accordingly.

7. Revision allowed in part.

Sd/-
(Vimla Singh Kapoor)
JUDGE

Santosh