

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 93 of 2015

- Maniram Korram S/o Shri Chalki Madiya Aged About 23 Years Ro Mariaampara Chandameta, Distt. Bastar, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Darbha, Distt. Bastar, Chhattisgarh.

---- Respondent

For Appellant	:	None.
For Respondent/State	:	Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

20/07/2020

1. By the impugned judgment dated 07.11.2014 passed in Sessions Case No. 80/2014 by the 2nd Additional Sessions Judge, Bastar at Jagdalpur, Chhattisgarh the Appellant has been convicted and sentenced as mentioned below:

<u>Conviction</u>	<u>Sentence</u>
U/s 307 r/w 149 of the IPC	R.I. for 7 years and fine of Rs. 200/- with default stipulations
U/s 25 of Arms Act, 1959	R.I. for 5 years and fine of Rs. 200/- with default stipulation
Both sentences to run concurrently.	

2. According to case of the prosecution, on 11.04.2014 by having informative list of suspected persons from the NIA for searching the suspects of permanent warrants of Criminal Case No. 25/2013 and 51/2013, two police parties, one under the leadership of Police-in-Charge of P.S. Darbha and another party under the leadership of Sub-Inspector Surendra Pambhoi had gone for search towards village Elangnar, Badanpal, Chewarwada, Tulsidongri. When on 14.4.2014 they were returning, at that time, in the mountains-forest of Chandametta and Chhindgur, the banned naxallites who were ambushing therein, had suddenly started firing upon police parties in order to commit their murder. Due to which police parties also cross fired in their self defence. Accused/appellant was arrested at the spot. His statement was recorded. On the basis of the statement of the accused/appellant some fire arms were were seized from his possession. After completion of investigation, a charge-sheet was filed. Trial Court framed the charges. To prove the guilt of the accused/appellant, the prosecution has examined as many as 6 witnesses. Two defence witnesses were also examined. Statements of the appellant under Section 313 of the Cr.P.C. were recorded, wherein accused/appellant has pleaded his innocence and false implication in the matter.
3. After trial, the trial Court has convicted and sentenced the appellant as mentioned in paragraph 1 of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Jagdalpur, (C.G.) dated 23.06.2020 would mention that the Appellant has undergone the entire jail sentence imposed upon him by

the trial Court and already released on 21.01.2019 and is under trial in some other case.

5. No one appears on behalf of appellant today. Finding the correctness of judgment of the trial Court, I decide this appeal on merits.
6. I have heard learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.
7. I have gone through the entire evidence led by the prosecution thoroughly. Dharamraj Kashyap (PW-2) in his statement has deposed according to the case of the prosecution. He remained firm during his cross-examination. Though there are some material contradictions and omissions occurred in his statement but they are not material. From the evidence led by the prosecution, it is well-established that appellant was found at the spot at the time of incident and he was arrested there. Some fire arms were also seized from his possession. Other prosecution witnesses have also corroborated the case of the prosecution. Looking to the entire evidence available on record, in my opinion, trial Court has rightly convicted the appellant.
8. Consequently, the appeal has no merit and the same is liable to be and is hereby dismissed.

**Sd/-
(Arvind Singh Chandel)
Judge**