

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 987 of 2014

Jay Singh Sidar S/o Shri Ghasia Sidar, aged about 45 years, R/o Village- Angekela, Tahsil & P.S: Lailunga, District: Raigarh, Civil And Revenue District: Raigarh, Chhattisgarh.

---- Appellant

Versus

State of Chhattisgarh through Police Station: Lailunga, District: Raigarh, Chhattisgarh

---- Respondent

For Appellant	:	Mr. Manoj Kumar Sinha, Advocate
For State/Respondent	:	Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

25.11.2020

1. This appeal has been preferred against the judgment dated 05.09.2014 passed in Sessions Case No. 27 of 2014 by the learned First Additional Sessions Judge, Raigarh, District: Raigarh (C.G.) wherein, the Appellant has been convicted under Section 307 of IPC and sentenced to undergo R.I. for 10 years and to pay fine of Rs.1,000/- with default stipulation.
2. In this case, the injured Prem Singh Sidar is the real brother of the present Appellant. According to the case of prosecution, on 13.11.2013, at about 09:00 P.M., some dispute arose between the Appellant and his brother Prem Singh Sidar. Allegedly, the Appellant assaulted the injured with the help of an Axe on the back side of his neck, due to which, he sustained injuries on his head as well as on his shoulder. The matter was reported Vide Exhibit-P/1.

The injured was medically examined by Dr. Rajkumar Gupta (PW-05). His medical report is Exhibit-P/8. This incident was witnessed by one Kamla (PW-04) wife of the injured Prem Singh Sidar. The matter was reported to the concerned Police Station and the police has registered the offence. Statements of the witnesses were recorded under Section 161 of Cr.P.C. After completion of investigation, charge-sheet was filed by the police. To robe the Appellant in the crime-in-question prosecution examined as many as total 07 witnesses. In the statement of Appellant recorded under Section 313 of Cr.P.C, Appellant pleaded his innocence and false implication in the matter, however no defence witness was examined by the Appellant. After completion of trial, Trial Court convicted and sentenced the Appellant as mentioned in Para 01 of this judgment. Hence this appeal.

3. Learned counsel appearing for the Appellant submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. He further submits that out 10 years of jail sentence the Appellant has undergone about 07 years, he has no criminal antecedent and he is facing the *lis* since 2014, i.e. for about 06 years. Therefore, the jail sentence awarded to the Appellant may be reduced to the period already undergone by him.
4. On the contrary, learned State Counsel opposed the appeal and supported the impugned judgment.
5. I have heard learned counsel appearing on behalf of the parties and perused the record minutely.

6. Considering the above facts and circumstances of the case, particularly considering that out of total jail sentence of 10 years, the Appellant has undergone about 07 years, he is facing the *lis* since 2014 and there is no criminal antecedent against him, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Appellant, the jail sentence awarded to him is reduced to the period already undergone by him.
7. Consequently, the appeal is partly allowed. The conviction of the Appellant under the aforementioned section is affirmed and he is sentenced to the period already undergone by him. The fine sentence is affirmed.
8. It is reported that the Appellant is in jail, he be released forthwith if not required in any other case.
9. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-

(Arvind Singh Chandel)
Judge