

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 499 of 2018**

Anand Kumar @ Bhau Dhruw S/o Sukhram Dhruw, aged about 27 years, R/o Village-Chatidih Ramayan Chowk, Sarkanda, District: Bilaspur Chhattisgarh.

---- Appellant

Versus

State of Chhattisgarh through its Police Station-City Kotwali, District Mungeli, Chhattisgarh.

---- Respondent

For Appellant	:	Mr. Varunendra Mishra, Advocate
For State/Respondent	:	Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board**

19.06.2020

1. The matter is heard through Video Conferencing.
2. This appeal has been preferred against the judgment dated 02.02.2018 passed in Sessions Trial No.78/2016 by the learned Additional Sessions Judge, Mungeli, District: Mungeli (C.G.) wherein, the Appellant has been convicted as mentioned below:

Conviction	Sentence	In Default
U/s 324 of IPC	RI for 01 year and a fine of Rs.200/-.	In default of payment of fine amount additional RI for 03 months.
U/s 307 of IPC	RI for 04 years and a fine of Rs.500/-.	In default of payment of fine amount additional RI for 06 months.
Both the sentences were directed to run concurrently.		

3. In this case, the Appellant is the husband of injured namely Santkumari. According to the case of prosecution, on 02.09.2016, brother of the injured namely Durgesh Kumar Marai made a report to the concerned Police Station, stating therein that, from last two months, due to some dispute with the Appellant his sister Santkumari has returned back to her matrimonial house and is residing there. On 02.09.2016 the Appellant after drinking liquor came to his wife's paternal home and assaulted her with Iron Saw. He also assaulted her mother Saraswati Bai who intervened in their matter. Thereafter, statements of witnesses were recorded under Section 161 of Cr. P.C. After completion of investigation, charge-sheet was filed by the police. Trial Court framed the charges. To prove the Appellant, the prosecution has examined as many as total 11 witnesses. In the statement recorded under Section 313 of Cr.P.C, Appellant abjured the guilt and pleaded his innocence and false implication in the matter. No defence witness was examined. After completion of trial, Trial Court convicted the Appellant and sentenced him as mentioned in Para 01 of this judgment. Hence, this appeal.
4. It is reported vide jail report dated 15.06.2020 that the Appellant has been released from jail on 13.02.2020 after completion of his entire jail sentence imposed upon him by the concerned Trial Court.
5. It is submitted by counsel for the Appellant that the Trial Court has wrongly convicted the Appellant without there being sufficient evidence available on record. The finding of the Trial Court is not in accordance with law and the Trial Court has wrongly convicted the Appellant without there being any iota of evidence available on record against him.

6. On the contrary, learned State Counsel opposed the prayer and supported the impugned judgment.
7. I have heard learned counsel appearing on behalf of the parties and perused the record minutely.
8. PW-01, Santkumari Dhruw, in her Court statement deposed that, the Appellant had beaten her with the help of Iron Saw when she was in her matrimonial house. According to this witness, when her mother came to intervene, the Appellant also hit her with the Iron Saw. This incident was witnessed by her mother and she had duly corroborated the statement of injured Santkumari. Immediately after the incident, the whole matter was narrated by both of them to Nilesh Henri (PW-03) who saw them in injured condition.
9. PW-08, Chandrakali Satnami, also corroborated the statement of injured Santkumari. Both the injured namely Santkumari Dhruw & Saraswati Bai were medically examined by Doctor Neha S. Lal (PW-11) and her MLC report is Exhibit P/10-A & P/11-A respectively. According to the medical report, both Saraswati Bai & Santkumari Dhruw sustained injuries at their neck which were caused by sharp object. According to her opinion, the injury No.1 to Saraswati Bai was dangerous for her life.
10. On minute examination of above evidence, it makes clear that the complainant namely Durgesh Kumar Marai has categorically stated that the injured were assaulted by the Appellant with one Iron Saw. The statements of the injured were duly corroborated by Chandrakali Satnami (PW-08), Nitin Sahu (PW-02) & Nilesh Henri (PW-03). From the medical evidence, it reveals that both the injured persons sustained injuries at their neck and the injury No.1 sustained by Saraswati Bai, was dangerous to her life. From the entire evidence available on record, in my considered opinion, the

learned Trial Court has rightly convicted the Appellant.
Consequently, I do not find any merit in this appeal.

- 11.** Accordingly, the Appeal is dismissed.
- 12.** 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