

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 499 of 2014

- Miraj Minj S/o Lajrush Minj, Aged About 23 Years, R/o Village Ganjhar, Thana Aasta, Tahsil Jashpur, Civil and Revenue District Jashpur C.G., Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Aasta, District Jashpur, Chhattisgarh, Chhattisgarh

--- Non-applicant

For Applicant– Shri Shivanshu Pandey, Advocate.

For State/Non-applicant – Shri Sudhir Sahu, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-02-2020

Heard.

1. This revision has been brought being aggrieved by the judgment dated 09-07-2014 passed in Criminal Appeal No.31/2014 by the Additional Sessions Judge (FTC) Jashpur, Chhattisgarh upholding the judgment of conviction and sentence passed by the trial Court under Section 324 of the IPC against the applicant.
2. The applicant was charged with offence under Section 324 of the IPC and Section 25(b)(1-b) of the Arms Act before the trial Court on the basis of the allegation that on 22-10-2012 because of some dispute the applicant assaulted Prasanna Ekka (PW-2) and Vinay Khalkho (PW-3) with sharp edged weapon Bhujali causing simple injuries to them. The learned trial Court after conclusion of the evidence has convicted the applicant in both the offences and sentenced him with simple imprisonment of six months along with fine Rs.100/- for offence under Section 324 of the IPC and with six month simple imprisonment along with fine Rs.100/- and for offence under Section 25(b)(1-b) of Arms Act, along with default sentence in case of non-payment of fine imposed in both the offences. The appellate Court has by the impugned judgment upheld the

conviction and sentence against the applicant under Section 324 of the IPC, however, the conviction and sentence under Section 25(b)(1-b) of Arms Act was set aside.

3. It is submitted that the applicant is innocent and the judgment of conviction and sentence against him is erroneous without there being support of prosecution evidence beyond reasonable doubt. Therefore, he is entitled for acquittal. In the alternative, it is submitted that the applicant has already undergone detention in jail for about 80 days, therefore, it is prayed that he may be sentenced with simple imprisonment of the period of detention already undergone by him in jail.

4. Learned counsel for the State/respondent opposes the revision petition and also the submission made in this respect. It is submitted that the applicant has injured two victims in this case by use of a sharp edged weapon, therefore, the sentence imposed upon him is sufficient and there is no need of any interference. The prosecution has proved its case beyond reasonable doubt. Hence, the revision petition be dismissed.

5. Heard learned counsel for the parties and perused the record of the Court below.

6. On perusal of the deposition of the victims namely Prasanna Ekka (PW-2), Vinay Khalkho (PW-3), examining doctor, doctor Suchita Minj (PW-1) and the statement of other witnesses present in the record of the trial Court, I am of this view that the appellate Court has not committed any error in holding the applicant guilty for offence under Section 324 of the IPC.

7. However, the prayer for reduction in sentence is taken into consideration. The cause of the incident has been some simple quarrel between the applicant and the victims of the case and there is no incident of any previous history of enmity against the applicant, further, for the reason that he has already undergone about 80 days in jail, therefore, I am of this view that

it is a fit case where reduction of the jail sentence as prayed can be allowed. Hence, the revision petition is allowed with modification.

8. Conviction against the applicant as recorded by the appellate Court is upheld, however, the sentence part is interfered with and the sentence is now reduced to three months' simple imprisonment and fine of Rs.100/-. The period of detention already undergone by the applicant shall be adjusted with the sentence imposed upon him. The default sentence of one month simple imprisonment passed by the trial Court for fine amount under Section 324 of the IPC is also affirmed.

9. The revision petition is disposed off at the motion stage.

Sd/-
(Rajendra Chandra Singh Samant)
Judge