

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1107 of 2018

Devcharan @ Lodariha Dhanuhar S/o Munni Lal Dhanuhar, aged about 35 years R/o Hariharpur, P.S. Premnagar, District Surajpur (C.G.).

---- Appellant

Versus

State of Chhattisgarh through Police Station Premnagar, District Surajpur (C.G.)

---- Respondent

For Appellant : Mr. Neeraj Pradhan, Advocate
For Respondent : Mr. Alok Nigam, Govt. Adv.

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

26/06/2020

1. The matter is heard through video conferencing.
2. By the impugned judgment dated 08/05/2018 passed in Session Trial No. 60/2017 by the Second Additional Sessions Judge, District Surajpur (C.G.), whereby the appellant has been convicted under Sections 324 and 458 of the Indian Penal Code and sentenced to undergo RI for two years with fine of Rs. 50/- and RI for two years with fine of Rs. 50/-, with default stipulations.
3. Facts of the case are that on 30/07/2017 at about 11-12 in the night, the appellant was beating his wife, Soorajbai, due to that she went to the house of the younger brother of the appellant namely Ramnath. Thereafter, the appellant went there and assaulted his Ramnath by a Tangi, due to that he sustained injuries in his stomach and near his waist. Thereafter, the appellant fled away from the spot. The matter

was reported by Brijlal. Later on, statements of the Complainant as well as witnesses were recorded under Section 161 of the Cr.P.C. After completion of investigation, a charge-sheet was filed. Trial Court framed the charges.

4. After completion of trial, the trial Court has convicted and sentenced the appellant as mentioned in paragraph one of this judgment. Hence, this appeal.
5. A report received from Superintendent of Jail, Ambikapur, District Surguja would mention that the appellant has already been released on 05/05/2019 after completing the entire jail sentence imposed upon the appellant.
6. Counsel for the appellant has submitted that the trial Court has wrongly convicted the Appellant without there being any evidence available on record. There are material contradictions and omissions occurred in the statement of the witnesses. The finding of the trial Court is contrary to the evidence adduced by the Prosecution.
7. Counsel appearing on behalf of the State supported the judgment of the trial Court.
8. Heard counsel for the parties and perused the record.
9. I have gone through the entire evidence led by the prosecution. In his Court statement Ramnath (PW5) has supported the entire case of the prosecution. Eye-witnesses of the case Brijlal (PW4) and Surajbai (PW1), wife of the appellant have also supported the statement of Ramnath (PW5). From the statement of Dr. Sashikant Snehi (PW9) and perusal of the MLC report of the Injured, it is also established that the Injured sustained injuries over his body, which was caused by

sharp and hard object.

10. Considering the entire evidence available on record, in my considered view, the trial Court has rightly convicted the Appellant which does not require any interference.
11. Consequently, I do not find any merit in this appeal. The same is dismissed.

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

Rahul