

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 5 of 2015

1. Soma Korwa S/o Koki Ram Korwa, aged about 50 years,
 2. Butul Korwa S/o Mangal Sai Korwa, aged about 30 years,
- Both are R/o Village Alga Bendopani, P.S. Lakhanpur, Distt. Surguja (C.G.).

---- Appellants

Versus

State of Chhattisgarh through Police Station Lakhanpur, Distt. surguja (C.G.)

---- Respondent

For Appellants	:	None.
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 09/12/2014 passed in S.T. No. 300/2010 by the First Additional Sessions Judge, Surguja at Ambikapur (C.G.), the appellants have been convicted under Section 307 of the IPC and sentenced to undergo RI for 7 years and to pay fine of Rs. 200/- with default stipulations.
3. Facts of the case are that on 05/04/2010, due to some previous dispute, the appellants and other persons chased one Gohandul and assaulted him by an arrow. When Raju, Chotu, Vandhan and Devri Bai intervene, they also assaulted them with an intention to kill. In the incident, Raju got died and other persons got injured. The matter was reported by Vandhan vide Dehati Nalsi Ex.P-32. Thereafter, Merg was

also lodged. Later on, statements of the 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 appellants 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 appellant No. 1 has already been released on 02/03/2016 and appellant No.2 Butul has already been released on 14/01/2019 after completing the entire jail sentence imposed upon the appellants.
6. Since no one appears on behalf of the appellants, therefore, I am deciding this appeal on its merit.
7. Heard counsel for the State.
8. Vandhan (PW2) in his Court statement has categorically stated that due to some dispute regarding land, the appellants and other co-accused persons firstly assaulted Gohandul. When Deceased Raju tried to intervene, they also assaulted him by an arrow, due to which he died. Thereafter, he and other family members tried to intervene then the appellants and other persons also assaulted them by an arrow, hands and fists. Due to this, they sustained injuries. The statement of this witness is not duly rebutted during his cross-examination. His statement is dully corroborated by Chotu (PW5), Gohandul (PW7), Devri Bai (PW6) and Phoolsai (PW8). Immediately, after the incident, the injured persons were medically examined by Dr. Dr. P.S. Marko (PW20). His statement and medical report of the

injured also corroborates the statements of the above witnesses.

9. 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.
10. Consequently, I do not find any merit in this appeal. The same is dismissed.

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

Rahul