

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 856 of 2017

1. Guna Rajwade S/o Ghurau Rajwade, aged about 54 years,
 2. Chetam Ram Rajwade, S/o Ghurau Rajwade, aged about 40 years,
- Both are R/o Village Banshipur, P.S. Bhatgaon, District Surajpur (C.G.).

---- Appellants

Versus

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

---- Respondent

For Appellants	:	Mr. C.K. Navrang, Advocate
For Respondent	:	Mr. Ghanshyam Patel, 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 04/11/2016 passed in Special S.T. No. 34/2014 by the Special Judge, SC/ST (Prevention of Atrocities) Act, Surajpur (C.G.), the appellants have been convicted under Section 325/34 of the Indian Penal Code and sentenced to undergo RI for two years with fine of Rs. 500/- with default stipulation.
3. Facts of the case are that on 06/05/2014, at about 1:30 pm, Complainant Pooran after taking meal had gone along with Dilbharan Rajwade to graze the cattle. At that time, the appellants started to abuse them. They also threatened them and pushed them on the floor. Thereafter, they assaulted them by hands and fists. Due to this, one tooth of the Complainant got broken. The matter was reported by

the Complainant. Later on, statements of the Complainant and other 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 appellants have already been released on 04/04/2018 and 14/04/2018, respectively after completing the entire jail sentence imposed upon the appellants.
6. Counsel for the appellants has submitted that the trial Court has wrongly convicted the appellants 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. Complainant Pooran (PW1) in his Court statement has supported the case of the prosecution. His statement is duly corroborated by Toshi @ Santoshi (PW2), Yashwant (PW3) and Raghuvar Singh (PW4). From the statement of Dr. K. D. Paikra (PW9) and MLC report of the Complainant, it is also clear that the Complainant sustained grievous injuries and one of his tooth got broken.

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