

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 663 of 2016

Narayan Singh Rajput S/o Umend Singh Aged About 38 Years R/o Ward No. 6, Dindayal Nagar, Chikhali Rajnandgaon, Rev. And Civil District Rajnandgaon Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh Through The Police Of Police Station Basantpur, Rev. And Civil District Rajnandgaon Chhattisgarh.

---- Respondent

For Appellant	:	Mr. Pushpendra Kumar Patel, Advocate.
For Respondent/State	:	Mr. Amit Kumar, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

03/02/2020

1. By the impugned judgment dated 25/04/2016 passed in S.T. No. 62/2015 by the learned Additional Session's Judge (Atrocity), Rajnandgaon, District Rajnandgaon (C.G.), the Appellant has been convicted for the offence punishable under Sections 326 (A) (four times) of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 10 years (four times) and to pay fine of Rs. 500/- (four times), with default stipulations. The sentence to run concurrently.
2. According to prosecution story, on 05.07.2015, complainant

Mangilal (PW-17) was doing work in hotel, at that time, the appellant who was a Priest of Hanuman Temple, came there and started abusing the complainant on the ground that without permission, he has taken water from the temple where he was a priest thereafter he threw acid on his body and also threw acid to other persons namely Ramesh Thakur (PW-9), Nitin Pillay(PW-4), Aditya Yadav(PW-2) and Krishna Yadav(PW-10) due to that they sustained burn injuries and their clothes were also burnt. The incident was witnessed by Manju Verma (PW-7), Shanti Yadav (PW-3) and other persons. All the injured persons were taken to the hospital, Police also reached there and recorded Dehati Nalsi (Ex.P-18) on the instance of Mangilal (PW-17). All the injured persons were medically examined by Dr. Rajesh Sadani (PW-18). During course of investigation, one plastic box containing 20 ML. of liquid (acid) and one steel glass which was used for throwing acid have been seized vide (Ex. P-12) from the appellant and some burnt grass has also been seized from the spot vide (Ex.P-22). Burnt clothes of the injured persons have been seized. All the seized articles were sent for chemical examination to the FSL (Ex. P-15 A) and according to the FSL report, it was found positive. Statements of the witnesses have been recored under Section 161 of Cr.P.C. After completion of investigation, charge-sheet has been filed. Trial Court has framed the charges against the Appellant. To prove the guilt of the Appellant, the prosecution has examined as many as 18 witnesses. No defence witness has been examined.

Statement of the Appellant under Section 313 of the Cr.P.C. was recorded, wherein he has pleaded his innocence and false implication in the matter.

3. After trial, the trial Court has convicted and sentenced the Appellant for the offence punishable under Section 326-(A) of the IPC (four times) and sentenced him as mentioned in paragraph one of this judgment. Hence, this appeal.
4. Learned Counsel for the appellant submits that the learned Trial Court has convicted the appellant without there being any sufficient evidence available on record. There are material contradiction and omissions occurred in the statement of complainant and other witnesses, therefore, statements of the complainant and other prosecution witnesses are not reliable.
5. Learned counsel appearing on behalf of the State opposes the same and supported the impugned judgment.
6. I have heard learned counsel for the parties and perused the record minutely.
7. With regard to the alleged incident, complainant Mangilal (PW-17) in his Court statement deposed that on 05.07.2015 at about 5 PM, when he was in hotel namely Rajasthan Bhojnalaya situated at Stadium Complex, Rajnandgaon (C.G.), at that time the appellant came there laced with a knife, thereafter, the appellant threw acid on him from one steel glass due to that his hands, stomach and

chest were burnt. According to this witness, at that time the appellant threw acid to other persons also due to that they have also sustained burn injuries. Complainant Mangilal (PW-17) lodged the Dehati Nalsi (Ex. P-18). In para 9 of his cross-examination, this witness deposed that he used to meet with the appellant which has not been rebutted by the defence, therefore, it is established that he already knew the appellant. This witness remained firm during his cross-examination. Aditya Yadav (PW-2) also deposed in his Court statement that at the time of incident when he was with his friend Nitin Pillay, goes to play football in Stadium then one person came running and threw acid on him due to that his clothes were burnt and he sustained burn injuries. According to this witness his left hand and thumb were burnt though during cross-examination this witness admitted that he does not know the appellant but as stated by this witness, the acid was thrown by the appellant, there is no contradictory suggestions were made before this witness by the defence in this regard . Nitin Pillay (PW-4) also stated that at the time of incident when he was coming with his friends to stadium at that time one person came running and threw acid on them due to that he sustained burn injuries on his nose and neck. According to this witness, he does not know the assailant and turned hostile on this point. Ramesh Thakur (PW-9) and Krishna Yadav (PW-10) also deposed that some unknown person came running and threw acid on them due to that they sustained burn injuries but they do not know the

person who thrown the acid. On this point these witnesses turned hostile.

8. Eye-witnesses of the case Shanti Yadav (PW-3) deposed that at the time of incident, the appellant came from temple laced with acid, he poured the acid from plastic box into glass and threw on the body of Mangilal (PW-17) due to which his face was burnt. According to this witness the appellant had gone to the backside of the stadium and she heard people shouting from behind. Sandeep Mishra (PW-5) also stated that people shouted that someone thrown acid on Mangilal, thereafter, he called the Police. According to this witness, the incident was not seen by him. Manju Verma (PW7) deposed that she is working in Sai Hostel as lady guard, on the date of incident at about 5:30 PM when she was in her duty, the appellant came their with two box on his hands in which the acid was kept and started abusing her. According to this witness, the appellant went to another gate and thrown the acid on Krishna. On this point this witness remained firm during her cross-examination.
9. Mangilal, Krishna, Ramesh and Aditya were medically examined on 05.07.2015 by Dr. Rajesh Sadani (PW-18). Medical examination report of these injured are (Ex.P-19-A), (Ex. P- 20-A), (Ex. P-21-A) & (Ex. P-29) respectively. According to this witness, burn injuries found on chest, neck, stomach, shoulders and Feet on the body of Mangilal (PW-17), total burn is of 40-45 % in two

hours. On the body of Krishna Yadav (PW-10), back, neck, stomach, chest and shoulders were burnt, total burn injuries 20-25%. On the body of Ramesh Thakur (PW-9), 6 inches/4 inches of burn injuries found. On the body of Aditya Yadav (PW-2), left hand's thumb, back and calf were burnt. Rajesh Choudhary (PW-16), who investigated the matter deposed that on 05.07.2015, he seized one plastic box containing 20 ML of Acid and one steel glass which was used while throwing acid seized from the appellant (Ex. P-12) and also seized burnt grass and burnt clothes of the injured persons. All the seized articles were sent for FSL (Ex. P-15 A) and according to FSL report it was found positive.

10. From the above evidence available on record, it is clear that as stated by Mangilal (PW-17), at the time of incident, the appellant threw acid on his body as well as on the body of some other persons due to that they sustained injuries. Mangilal (PW-17) was already known to the appellant and they used to meet with each other. He remained firm during his cross-examination on the point that acid was thrown by the appellant. Aditya Yadav (PW-2) also corroborated the statement of Mangilal (PW-17) and categorically stated that the appellant has thrown the acid. Ramesh Thakur (PW-9) & Krishna Yadav (PW-10) also deposed that one person has thrown the acid on them though they have not identified that person but from the statement of Shanti Yadav (PW-3) and Manju Verma (PW-7), it is established that the person who thrown the acid was the appellant. From the statement of Dr. Rajesh Sadani

(PW-18) and MLC report of the complainants, it is also established that all the injured persons have burnt injuries and their clothes were also burnt. The articles which was seized from the appellant and clothes of the injured persons were sent for FSL report (Ex. P-15-A) wherein the acid was found, therefore, considering the evidence available on record, the offence is duly proved against the appellant. Thus, the learned trial Court has rightly convicted the Appellant.

11. Consequently, the appeal has no merit and the same is liable to be and is hereby dismissed.
12. Records of the Court below be sent back alongwith the copy of this order forthwith for information and necessary compliance.

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