

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 819 of 2016

Ashish Kumar @ Babu S/o Rajmani Aged About 34 Years R/o Babu Nagar, Garden Road, Ward No. 33, Near The House Of Guddu Councilor, Police Station - Khursipar, District - Durg Chhattisgarh

---- Appellant

Versus

State Of Chhattisgarh Through Station House Office, Police Station - Khursipar, District - Durg Chhattisgarh

---- Respondent

For Appellant	:	None.
For Respondent/State	:	Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

20/07/2020

1. The matter is heard through video conferencing.
2. By the impugned judgment dated 02/05/2016 passed in ST No. 115/2015 passed by the learned Sessions Judge, Durg, District Durg (C.G.), the Appellant has been convicted for the offence punishable under Section 307 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 5 years and to pay fine of Rs. 100/-, with default stipulation.
3. According to the case of prosecution, on 28.02.2015, complainant Sandeep Nishad and his brother Dilip were near their house, at that time, the appellant came there and due to

some previous dispute, he used filthy language against them and when the complainant objected, the appellant threatened him to kill. Thereafter, on 01.03.2015, when the complainant was returning from hotel and reached near Bapunagar, the appellant came there and assaulted him with the help of knife due to that the complainant sustained injuries on his stomach, waist and on the back side of neck. Thereafter, the matter was reported. After completion of investigation, charge-sheet has been filed. Trial Court has framed the charges under Section 307 of the Indian Penal Code. To prove the guilt of the Appellant, the prosecution has examined as many as 10 witnesses. No defense 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.

4. After trial, the trial Court has convicted and sentenced the Appellant as mentioned in paragraph one of this judgment. Hence, this appeal.
5. A certificate of incarceration sent by the office of Jail Superintendent, Central Jail, Bilaspur District Bilaspur (C.G.) would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released on 12.07.2019.
6. Since no one appears for the Appellant today, I decide this appeal on merits.

7. I have heard Learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.
8. I have gone through the entire evidence led by the prosecution thoroughly. In the statement of complainant Sandeep Nishad (PW-3), he deposed according to the case of prosecution, he remained firm during his cross-examination and his statement is duly corroborated by Ram Surat (PW-4), Meena Devi Nishad (PW-6) and Dilip Nishad (PW-7). Immediately after the incident, FIR was lodged. From the medical evidence also, it is well established that the complainant sustained 3 injuries on his body. Injury no. 1 found grievous in nature which was on the stomach of the complainant. The complainant was also admitted for 17 days in Hospital.
9. On minute examination of above evidence available on record, in my considered opinion, I have found that the learned trial Court has rightly convicted the Appellant.
10. Consequently, the appeal has no merit and the same is liable to be and is hereby dismissed.

Sd/-
(Arvind Singh Chandel)
Judge