

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1416 of 2019

Prem Sai Minz S/o Ramjatan Minz, aged about 25 years R/o Village Bouriparra,
Near Bouri Pond, Police Station Ambikapur, District Surguja (C.G.).

---- Appellant

Versus

State of Chhattisgarh through Station House Officer, Police Station Rajpur, Distt.
Balrampur- Ramanujganj (C.G.)

---- Respondent

For Appellant	:	Mr. Arun Kumar Shukla, Advocate
For Respondent	:	Mr. Anand Verma, Dy. 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 11/07/2018 passed in Session Trial No. 30/2018 by the Sessions Judge, Balrampur at Ramanujganj (C.G.), whereby the appellant has been convicted under Section 307 of the IPC and sentenced to undergo RI for 3 years and to pay fine of Rs. 1000/- with default stipulation.
3. Facts of the case are that the appellant is son of Complainant Ramjatan. On 28/12/2017 at about 11:00 pm, the appellant went to the house of the Complainant and made allegation that the Complainant had banished his family members somewhere. Thereafter, the appellant poured kerosene on the Complainant and set him on fire. The Complainant sustained burn injuries. The wife of the Complainant came to the spot and took the Complainant to the

hospital, where treatment of the Complainant was done. Thereafter, on 08/01/2018, Complainant Ramjatan lodged the FIR. Later on, statement 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 22/06/2020 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 Ramjatan (PW1) has initially not supported the case of the prosecution and has turned hostile. Thereafter, after being put leading question before him he has supported the entire case of the prosecution. He admitted the fact that the appellant is his son and therefore, he initially did not support the case of the prosecution.

During cross-examination, this witness has remained firm. From the statement of Dr. Ashrita Kachhap (PW11), it is also established that the Complainant sustained 40% of burn injuries over his body. Though other witnesses have not supported the case of the prosecution, the Complainant has supported the entire case of the prosecution.

10. Considering the statement of Ramjatan (PW1) and medical evidence, 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**