

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1789 of 2019

Ramdular @ Dhelka, aged about 20 years S/o Brijmohandas, Caste Panika R/o Village Koteya, Mahuwaripara, P.S. Prapatpur, District Surajpur (C.G.).

---- Appellant

Versus

State of Chhattisgarh through Station House Officer, Police Station Pratappur, District Surajpur (C.G.)

---- Respondent

For Appellant	:	Mr. Vijay Laxmi Shroff, 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 06/06/2015 passed in Session Trial No. 13/2014 by the Additional Sessions Judge, Pratappur, District Surguja (C.G.), whereby the appellant has been convicted under Section 307 of the IPC and sentenced to undergo RI for 7 years and to pay fine of Rs. 1000/- with default stipulation.
3. In this case, the appellant is brother-in-law of Complainant Parmeshwar. According to the case of the prosecution, the Appellant used to not like the Complainant. On 19/11/2013, the Complainant was sleeping with his wife near a Chula. At about 9:00 pm, the appellant came there and asked the Complainant to go to his house. On this, a dispute arose. At about 11:30 pm, the appellant came with a Vasula and the Complainant woke up. Thereafter, the Complainant

told her wife to bring a wood. In the meantime, the appellant assaulted the Complainant 3-4 times, due to that the Complainant sustained injuries on his head and parietal region. The matter was reported and offence has been registered. Later on, statements of the Complainant/Injured 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 18/06/2020 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 Parmeshwar (PW3) has supported the entire case of the prosecution. His statement is duly corroborated by his wife Mamta (PW4). Both these witnesses are real Jija and Sister of the appellant,

yet they have made statements against the appellant, therefore, their statement is duly reliable. From the medical evidence also, it is established that the Complainant sustained two injuries. First injury was on his head and second injury was on his parietal region, which were caused by hard and blunt object.

10. Considering the entire evidence available on record, 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**