

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

ACQA No.8 of 2020

- Janki Yadav, S/o Lalchanad Yadav, Aged About 33 Years, R/o Village Puta, Harradand Police Station Darima, District Surguja, Chhattisgarh

---- Appellant

Versus

1. Praveen Beck, S/o Philip Beck, Aged About 35 Years, R/o Village Puta, Harradand Police Station Darima, District Surguja, Chhattisgarh
2. State Of Chhattisgarh Through Police Station Darima, Surguja, Chhattisgarh

---- Respondents

For Appellant	Shri N. K. Sinha, Advocate
For Respondent-State	Shri Ashish Gupta, PL

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board By Shri Prashant Kumar Mishra J.

25/02/2020

1. This appeal against acquittal is directed against the Trial Court's judgment, whereby the accused has been acquitted under Section 307 of IPC and instead he has been convicted for committing offence under Section 323/34 of IPC and has been sentenced to undergo the sentence, which he has already undergone during trial. The accused remained in jail for about 5 months and 21 days during trial.
2. As per the prosecution case, the accused Philip Beck (now deceased) and Pravin Beck assaulted the appellant by means of

knife and club at about 4-5 pm on 22.08.2015. PW-9 Dr. Vivek Bhatnagar, who has proved the MLC (Ex-P-18), has not found any serious injury on the person of the injured. When the injured was brought to him, she was conscious and active. PW-4 Dr. Sarita Singh has proved the X-ray report (Ex-P-6), in which bony injury or fracture was not found. The injured has not sustained any incised wound, meaning thereby that the injury from knife was not sustained and instead only a lacerated wound caused by club was found. The injured was examined by neurosurgeon at Dr. Bhimrao Ambedkar Hospital, Raipur, but the said neurosurgeon has not been examined before the Trial Court. The report of neurosurgeon finding grievous injury is therefore not proved.

3. In view of the above medical evidence, the Trial Court has rightly found that the ingredient of offence under Section 307 is not proved by the prosecution.
4. No case for entertaining this acquittal appeal is made out. It is dismissed at the admission stage itself.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge