

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 2068 of 2000**

1. Phiranta Satnami, S/o Rangu Satnami, aged about 60 years,
 2. Durjan Satnami, S/o Phiranta Satnami, aged about 36 years,
 3. Dujeram Satnami, S/o Phiranta Satnami, aged about 33 years,
- All by occupation Agriculturists, R/o Village- Singhanpuri,
Police Station- Nawagarh, District- Durg, M.P. (Now C.G.)

---- Appellants**Versus**

- State of Madhya Pradesh (Now Chhattisgarh).

---- Respondent

For Appellants	:	Mr. J.A. Lohani, Advocate through Legal Aid
For Respondent/State	:	Ms. Shubha Shrivastava, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order On Board by Virtual Hearing****16/08/2021**

1. The present appeal arises out of the impugned judgment of conviction and order of sentence dated 27.07.2000 passed by the Additional Sessions Judge, Bemetara, District- Durg, in S.T. No. 40/1991 whereby, the learned Additional Sessions Judge, Bemetara convicted the appellants and sentenced them as under :-

S. No.	Conviction	Sentence
01.	U/s 325/34 of the IPC	R.I. for one year and to pay fine of Rs. 200/- each, in default, further R.I. for one month each
02.	U/s 323/34 of the IPC	R.I. for six months and to pay fine of Rs. 100/- each, in default, further R.I. for 15 days each
03.	U/s 323/34 of the IPC	R.I. for six months and to pay fine of Rs. 100/- each, in default, further R.I. for 15 days each

2. Brief facts of the case are that on 24.07.1990 in the afternoon, complainant Shivilal had gone to village Vadanu to purchase fertilizer. At 4 O'Clock, when he returned home, he came to know that his son Rohit was assaulted by Dujeram Satnami. On hearing this, he went to one Santosh Tripathi in the village for convening a panchayat meeting. It is stated that on the way, he saw that accused persons carrying clubs with them & they threatened him, if the panchayat was conducted & assaulted his son with club. When some of the villagers tried to intervene, they too were assaulted, as a result of which injured Aghnu sustained 4-5 injuries on his head and fell unconscious. Thereafter, an FIR (Ex.P/1) was lodged against the appellants under Sections 294, 323, 506-II/34 of IPC. After investigation, charge-sheet was filed against the appellants and charges were framed against the appellants under Sections 294, 325, 323, 506-II/34 of IPC.

3. So as to hold the accused/appellants guilty, the prosecution has examined as many as 16 witnesses. Statements of the accused/appellants were also recorded under Section 313 of the Cr.P.C. in which they denied the charges leveled against them and pleaded innocence and false implication in the case.

4. After hearing the parties, vide impugned judgment of conviction and order of sentence dated 27.07.2000 passed by the Additional Sessions Judge, Bemetara, District- Durg, the appellants have been convicted and sentenced them for the offence punishable under Sections 294, 325, 323, 506-II/34 of IPC and sentenced them as mentioned in paragraph 1. Hence, the present appeal.

5. Learned counsel for the appellants submits that learned trial court has erred in holding the appellants guilty for the offence as aforementioned. He further submits that the conviction and sentence of the appellants is bad, improper, incorrect and illegal. Learned trial court ought not have placed reliance on the testimony of the prosecution witnesses as the prosecution has failed to explain the injuries received by the accused persons. According to him, he is not pressing the appeal so far as it relates to the conviction part of the judgment and

would confine his argument to the sentence part thereof only. He submits that compromise has been arrived to between the parties under Section 320 (2) of IPC, the incident is said to have taken place in the year 2000, and thereby more than 20 years have rolled by since then, appellants have already remained in jail for about 2 months and 21 days, and no useful purpose would be served in again sending them to jail, therefore, in the interest of justice, it would be appropriate if the sentence imposed upon them may be reduced to the period already undergone by them.

6. Learned counsel for the State has no objection to this preposition.

7. Heard learned counsel for the parties and perused the material available on record including the impugned judgment.

8. Having gone through the material on record and the evidence of the witnesses, it can be established that the involvement of the accused/appellants in the crime in question has been proved beyond reasonable doubt. This Court does not see any illegality in the findings recorded by appellate court below as regards conviction of the appellants under Sections 294, 325, 323, 506-II/34 of IPC.

9. As regards sentence, keeping in view the facts that the incident had taken place in the year 2000, the appellants have already remained in jail for about 2 months and 21 days, I am of the view that ends of justice would be served, if the sentence imposed on them is reduced to the period already undergone by them.

10. In view of the above, the appeal is partly allowed. While maintaining the conviction of the appellants, they are sentenced to the period already undergone by them. The appellants are reported to be on bail. Their bail bonds shall stand discharged.

**Sd/-
(Rajani Dubey)
JUDGE**