

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 500 of 2005**

- Ram Singh, S/o Shri Ashuk Ram, aged about 31 years, Occupation – Cultivation, R/o Village Doundro, Thana Balco Nagar, District – Korba, (C.G.)

---- Appellant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station, Balco Nagar, District – Korba (C.G.)

---- Respondent

For Appellant	:	None
For State/Respondent	:	Shri Rakesh Sahu, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board****09/02/2021**

1. This appeal has been preferred against the impugned judgment dated 20/04/2005 passed in S.T. No.107/2004 by the Sessions Judge, Korba, District – Korba, (C.G.) wherein appellant has been convicted and sentenced as under :

<u>Conviction</u>	<u>Sentence</u>
U/s 450 of the I.P.C.	R.I. for 3 years and fine of Rs.2,000/- with default stipulations.
U/s 326 of the I.P.C.	R.I. for 4 years and a fine of Rs.3,000/- with default stipulations.
Both sentences to run concurrently	

2. According to the case of the prosecution, on 11/8/2004 at about 5:00 PM, complainant after completion of his duty was returning to his home, then on the way one Guddu Panika told him that appellant Ram Singh has beaten his father Sahetar Ram with *farsa* and was lying on the floor inside the house. On reaching to the house, the complainant saw the injuries of his father in back, hand and head. On being asked, Sahetar Ram told that the appellant has assaulted him with *farsa* due to which he sustained injuries on his back, hand and head. Matter was reported by complainant Chhat Ram (PW-4), on the basis of which F.I.R. (Ex.P-3) was registered. Statement of the witnesses were recorded under Section 161 of Cr.P.C. After completion of the investigation, a charge-sheet was filed. To prove the guilt of the accused/appellant, prosecution has examined as many as 10 witnesses. Two defence witnesses have been examined. Statement of appellant under Section 313 of the Cr.P.C. was recorded, wherein accused/appellant has pleaded his innocence and false implication in the matter.
3. After completion of trial, the trial Court has convicted and sentenced the appellant as mentioned in paragraph 1 of this judgment. Hence, this appeal.
4. Vide PUD dated 30/10/2020 sent by the Jail Superintendent, Central Jail, Bilaspur, (C.G.) would mention that appellant has undergone the entire jail sentence imposed upon him by the trial Court and already released on 03/03/2007.
5. No one appears on behalf of appellant today. Finding the correctness of judgment of the trial Court, I decide this appeal on merits.

6. I have heard learned Counsel appearing for the State, perused the record and statement of witnesses to assess the correctness of the impugned judgment of conviction.
7. Injured Sahetar Ram (PW-8) in his Court statement has supported the entire case of the prosecution. He has categorically stated that on the date of incident, he was present in his house and at that time, due to some dispute, appellant came there and assaulted him with *farsa*, due to which he sustained injuries on his hand, head, chick and other parts of the body. The incident was witnessed by Pardeshi (PW-6). Pardeshi (PW-6) has duly corroborated the above statement of the injured Sahetar Ram (PW-8). Both the above witnesses have remained firm during their cross-examination. There are some contradictions and omissions occurred in their statements but they are not material. From the perusal of medical report (Ex.P-9) of the injured Sahetar Ram (PW-8), it is also established that he sustained three injuries on his body and out of which, one injury is of grievous nature which was caused by a sharp object.
8. On a minute examination of the evidence on record, it is clear that there is sufficient evidence against the appellant to hold him guilty. In my considered view, the trial Court has rightly convicted the appellant.
9. Consequently, the appeal has no merit and is, therefore, dismissed.

**Sd/-
(Arvind Singh Chandel)
Judge**