

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 272 of 2007**

1. Panna Lal Sahu, Son of Shri Santoshi Sahu, aged about 45 years;
2. Ram Lallu Sahu, Son of Shri Panna Lal Sahu, aged about 19 years;
3. Suvarniya Bai, Wife of Shri Panna Lal Sahu, aged about 40 years;

All are residents of Village Salhi, (Badkapara), Police Station Ramanujnagar, District Surguja, (C.G.).

---- Appellants

Versus

- State of Chhattisgarh, Through: The Station House Officer, Police Station Ramanujnagar, District – Surguja, (C.G.).

---- Respondent

For Appellants	:	Shri Ashok Kumar Shukla, Advocate
For Respondent/State	:	Shri Rakesh Sahu, Dy. G.A. alongwith Smt. Dipti Shukla, P.L.
For Objector	:	None

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

19/02/2021

1. This appeal has been preferred against the judgment dated 19/03/2007 passed in Sessions Trial No.379/2005 by the Second Additional Sessions Judge, F.T.C. Surajpur, Surguja (C.G.), whereby the appellants have been convicted under Sections 304-I and 324 of the I.P.C. and sentenced to undergo R.I. 10 years with fine of Rs.500/- each and R.I. for one year each, respectively, with default stipulations.

Both sentences to run concurrently.

2. Vide jail report received from Jail Superintendent, Central Jail, Ambikapur, it has been reported that appellant No.1 namely Panna Lal Sahu has already been released from the jail on 11/3/2011 after completion of entire jail sentence imposed upon him by the trial Court.
3. Learned Counsel appearing for the appellants submits that appellant No.1 Panna Lal Sahu has been released from jail after completion of entire jail sentence imposed upon him, therefore, he does not want to press this appeal with respect to appellant No.1.
4. Accordingly, appeal is dismissed as withdrawn with respect to appellant No.1 namely Panna Lal Sahu.
5. In the present case, name of the deceased is Rangai Ram, who was the neighbour of the appellants. Age of the deceased at the relevant time was around 70 years. Appellant No.3 is the wife of appellant No.1 and appellant No.2 is the son of appellant No.1. According to case of the prosecution, on 3/7/2005 at around 8:00 AM, Sukhlal (PW-1) along with his father Rangai Ram (deceased), and his neighbours have gone to fields, at that time appellants came there and due to some dispute, assaulted Rangai Ram. Appellant No.1 assaulted the deceased with the help of axe, appellant Nos.2 & 3 assaulted Sukhlal (PW-1), Jai Prakash (PW-2) and Smt. Sheela Devi (PW-3), due to that deceased sustained grievous injury over his head and in other parts of the body. During course of treatment, Rangai Ram (deceased) died. Merg was lodged. Statement of the witnesses were recorded under

Section 161 of Cr.P.C. After completion of investigation, a charge-sheet was filed. The Trial Court framed charges under Sections 302, 324, 506-B r/w 34 of the I.P.C. To prove the guilt of the accused/appellant, prosecution has examined as many as 11 prosecution witnesses. No defence witness has been examined. Statement of the appellants under Section 313 of the Cr.P.C have been recorded, wherein they have pleaded innocence and false implication.

6. After trial, the trial Court has convicted and sentenced the appellants as mentioned in paragraph one of this judgment. Hence, this appeal.
7. Learned Counsel appearing for appellant Nos.2 & 3 submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. He further submits that appellant No.1 has already been released from jail after completion of entire jail sentence imposed upon him by the trial Court. He further states that according to the *post mortem* report of the deceased, only one injury was found over the head of the deceased which was caused by appellant No.1. Appellant Nos.2 & 3 have already undergone jail sentence for about 11 months in this case. They have no previous antecedent. At present, age of appellant No.3 is about 55 years. Appellants are facing the *lis* since 2005. Therefore, it is prayed that that the jail sentence awarded to appellant Nos.2 & 3 may be reduced to the period already undergone by them.
8. Per contra, learned Counsel appearing for the State supports the

impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.

9. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
10. Considering the above facts and circumstances of the case, particularly considering that appellant No.1 had assaulted the deceased on his head and as per *post mortem* report of the deceased, only one injury was found over the head of the deceased, and he has already been released from jail after completion of entire jail sentence imposed upon him by the trial Court, appellant Nos.2 & 3 namely Ram Lallu Sahu and Suvarniya Bai respectively, have already undergone jail sentence for about 11 months in this case, they have no previous antecedent and they are facing the *lis* since 2005, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon appellant Nos. 2 & 3, the jail sentence awarded to them is reduced to the period already undergone by them. Ordered accordingly.
11. Consequently, the appeal is partly allowed to the extent indicated above.
12. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge