

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CRA No. 343 of 2010

- Uttam Kumar S/o Sunil Kumar Suryawanshi, Caste Satnami, aged about 24 years, R/o Nirmla Sector(Block), 50-2-D-Type Rajhara, P.S.-Rajhara, Distt.- Durg(C.G.)

---- Appellant

Versus

- State Of Chhattisgarh, through P.S. Rajhara, District Durg (C.G.)

---- Respondent

For Appellant	:Mr. Aman Kesharwani and Mr. Yashpal Singh, Advocates.
For State/Respondent	:Mr. Akash Pandey, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

12.08.2021

1. This appeal has been preferred against the judgment dated 30.04.2010 passed in Sessions Trial No.20/2009 by the learned Additional Sessions Judge (FTC), Balod, Distt. Durg(C.G.) wherein, the Appellant has been convicted for the offence punishable under Sections 324 & 452 of the IPC and sentenced to undergo RI for 2 years and to pay fine of Rs. 1,000/- and RI for 2 years and to pay fine of Rs. 1,000/- respectively, with default stipulations. Both the jail sentences to be run concurrently.
2. According to the case of prosecution, before 15 days of lodging FIR, the Appellant proposed victim Anita Yadav(PW-9), she refused his proposal and complained about the said

proposal to parents of the Appellant. Allegedly, on the date of incident i.e. 20.05.2009, when the victim was in the house of his coach Sudarshan Kumar Singh (PW-11), the Appellant came there and called the victim outside the house and when she denied, he entered in the house and assaulted her with the help of knife due to which she sustained injuries. The above incident was witnessed by Umeshwari (PW-10) and Rajkumari(PW-1). Thereafter, the matter was reported by victim Anita Yadav. On the basis of her report, offence has been registered against the Appellant. Later on statements of the complainant and witnesses recorded under Section 161 of Cr.P.C. After completion of investigation, charge-sheet was filed by the Police. Trial Court framed the charges against the Appellant. To prove the Appellant in the crime-in-question, the prosecution has examined as many as 12 witnesses. In the statement of the Appellant recorded under Section 313 of Cr.P.C, he has pleaded his innocence and false implication in the matter, however, no defence witness was examined by the Appellant.

3. After completion of trial, Trial Court convicted and sentenced the Appellant as mentioned in Para 01 of this judgment. Hence, this appeal.
4. Learned Counsel appearing for the Appellant submit that they do not want to press this appeal on merits and confine their arguments to the sentence part only. They further submit that the Appellant has already undergone about 1 year in jail, he

has no criminal antecedent and he is facing the *lis* since 2009. Therefore, the jail sentence awarded to him may be reduced to the period already undergone by him.

5. On the contrary, learned State Counsel opposed the appeal and supported the impugned judgment.
6. I have heard learned counsel appearing on behalf of the parties and perused the record minutely.
7. Considering the above facts and circumstances of the case, particularly considering the fact that the Appellant has already undergone about 1 year in jail, he has no criminal antecedent and he is facing the *lis* since 2009. I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Appellant, the jail sentence awarded to him is reduced to the period already undergone by him.
8. Consequently, the appeal is partly allowed. The conviction of the Appellant under Sections 324 & 452 of the IPC is affirmed and against the conviction, he is sentenced to the period already undergone by him. The fine sentences for the above offence is also affirmed.
9. 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