

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No.276 of 2011**

- Rambadan, S/o Shri Ramtahal, Aged about 42 years, R/o Village Badwahi, P.S. Janakpur, Tahsil Bharatpur, District – Korea, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Janakpur, District – Korea, Chhattisgarh

---- Respondent

For Applicant	:	Shri Anil Gulati, Adv.
For Respondent	:	Shri Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Vimla Singh Kapoor**Order on board****18.03.2021**

By the concurrent findings the accused/applicant has been held guilty under Sections 323 and 325 IPC. The allegations made against the accused/applicant are that on the fateful day when the complainant namely Dashodiya Bai (PW-1) had gone to the field for dumping the dung, the accused/applicant reached there, branded her as witchcraft, abused her filthily and also inflicted the axe injuries on her head and hand. On the intimation given by the victim FIR (Ex-P/1) was reduced to writing. After completion of investigation the charge-sheet was filed, charge framed and conviction followed by learned Magistrate vide judgment dated 18.11.2010 under Sections 325 and 323 IPC. The sentence imposed under Section 325 IPC is R.I. for one year and R.I. for six months under Section 323 plus imposition of fine. Learned Lower

Appellate Court also approved the view of the Magistrate as a whole. Hence this revision.

2. Having heard counsel for the parties and considered the evidence of the victim PW-1 duly supported by Ramsundar (PW-4) and Ramsujaan (PW-5), it is evident that on the fateful day when the victim was in the field, the accused/applicant came there, abused badly in the name of mother and also opened an assault with an axe carried by him. PW-4 and PW-5 are the eye-witnesses to the incident and their version also stands the test of truthfulness. The evidence of Dr. R.K. Raman (PW-8) who medically examined PW-1 discloses that there was an incised wound on her head and swelling on the wrist. The injuries were caused by hard and blunt object. For the swelling on the wrist x-ray was also advised. On seeing the x-ray, this witness noticed the fracture on the left wrist of PW-1. The report given by PW-8 in respect of PW-1 is Ex-P/8. This witness also examined PW-4 and found an injury on the right cheek coupled with swelling vide report Ex-P/9. Ramsujaan (PW-5) who had also seen the incident with his own eyes, lent full support to the case of the prosecution. Thus, there is ample evidence to hold the accused/applicant guilty under Sections 325 and 323 IPC and that way the judgment impugned particularly the conviction part thereof needs no alteration by this Court. Conviction is thus approved by this Court as well in this revision.

3. As regards sentence, considering the fact and circumstances of the case, that the incident had taken place about 15 years back and that by remaining in jail for about a week the applicant has

already suffered a lot for his folly and therefore, this Court is of the opinion to reduced the sentence of the accused/applicant to the period already undergone. Order accordingly.

4. The revision is thus allowed in part.

Sd/-
(Vimla Singh Kapoor)
Judge