

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 611 of 2016

- Ashok Singh @ Lalu, S/o Mohan Singh, Aged about 31 years, R/o In Front of Vaishnav Temple, Beside Canal, Present Address - Railway Colony, In Front of Station, Quarter No. 11/1, Korba, Police Station- Kotwali, Civil and Revenue District – Korba (C.G.).

---- Appellant

Versus

- State of Chhattisgarh Through - Station House Officer, Police Station - Kotwali, District- Korba (C.G.).

---- Respondent

For Appellant	:	None.
For Respondent/State	:	Mr. Akash Pandey, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

07/07/2021

1. By the impugned judgment dated 22.03.2016 passed in Sessions Case No. 87/2015 by the learned Sessions Judge, Korba, District- Korba (C.G.), the Appellant has been convicted for the offence punishable under Section 307 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 5 years, and to pay fine of Rs. 5,000/- with default stipulation.
2. According to the case of prosecution, complainant namely Pawandas Manikpuri (PW-5) used to run a rickshaw for livelihood. On 13.07.2015 complainant Pawandas Manikpuri was going towards the Shani Temple after dropped his customer to T.P. Nagar Bus Stand,

Korba. It is alleged that when Pawandas Manikpuri reached near liquor shop, the Appellant met him and asked him to go to railway station. It is alleged that complainant Pawandas Manikpuri refused to drop the Appellant. On refusal, the Appellant started abusing him in filthy language and thereafter assaulted him by razor. Complainant Pawandas Manikpuri received injuries on his chin, neck and near head. Hearing the voice of Pawandas Manikpuri his son Sukhdas came there and took his father to his house. On the basis of said background, offence has been registered against the Appellant. Later on statement of the witnesses recorded under Section 161 of Cr.P.C. After completion of investigation, charge-sheet has been filed. Trial Court has framed the charges. To prove the guilt of the Appellant, the prosecution has examined as many as 9 witnesses. No defense witness has been examined. Statement of the Appellant under Section 313 of the Cr.P.C. was recorded, wherein he has pleaded his innocence and false implication in the matter.

3. After trial, the Trial Court has convicted and sentenced the Appellant as mentioned in paragraph one of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Bilaspur District Bilaspur (C.G.) would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released from jail on 29.01.2020.
5. Since no one appears for the Appellant today, I decide this appeal on merits.
6. I have heard Learned Counsel appearing for the State and perused

the record to assess the correctness of the impugned judgment of conviction. I have also gone through the statements of the witnesses.

7. In the Court statement of complainant/victim Pawandas Manikpuri (PW-5), he has supported the entire case of prosecution and deposed according to the case of prosecution. He categorically stated that at the time of incident, the Appellant assaulted him with the help of razor due to which he sustained three injuries on his chin, neck and near head. This witness remain firmed during his cross-examination. There is nothing on record on the basis of which his statement can be disbelieved. His statement is duly corroborated by other witnesses and also corroborated with the medical evidence. From the medical evidence also it is well established that victim sustained injuries on his body and it were caused by sharp object.
8. Looking to the entire case of prosecution there is sufficient evidence available on record against the Appellant and the crime has duly proved against him. Thus, the Trial Court has rightly convicted the Appellant.
9. Consequently, the appeal has no merit and the same is liable to be and is hereby dismissed.

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