

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1215 of 2002

Beti Deu S/o Beti Pandu, Caste Madia, aged about 30 years R/o Ailengnar, P.S. Darbha, Distt. Bastar, Jagdalpur (C.G.).

---- Appellant

Versus

State of Chhattisgarh through District Magistrate, Bastar, Jagdalpur (C.G.)

---- Respondent

For Appellant	:	None
For Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

12/01/2021

1. By the impugned judgment dated 26/07/2002 passed in Sessions Trial No. 470/2001 by the Sessions Judge, Bastar Jagdalpur (C.G.), the Appellant has been convicted under Section 307 of the IPC and sentenced to undergo RI for 7 years.
2. In this case, the appellant is real brother of Complainant Sahadev. According to the case of the prosecution, on 06/09/2001, the appellant went to the house of the Complainant lashed with one Tangiya and said as to why he has not given his share of Badi to him. Thereafter, a dispute took place between them and the appellant assaulted the Complainant by the Tangiya, due to that the Complainant sustained injuries on his head. The matter was witnesses by Laxmi W/o Sahadev. She informed the incident to her Jeth and other villagers. The Complainant/Injured was taken to the hospital. The matter was reported vide Ex.P-10. Statement of witnesses were recorded under

Section 161 of the Cr.P.C. After completion of investigation, a charge-sheet has been filed. Trial Court framed the charges. To prove the guilt of the Appellant, the prosecution has examined as many as 8 witnesses. Statement of the Appellant under Section 313 of the Cr.P.C has been recorded, wherein he has pleaded his innocence and false implication in the matter. No defence witness has been examined.

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, Jagdalpur would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released 30/06/2005.
5. Since no one appears on behalf of the Appellant, therefore, I am going to decide this appeal on its merit.
6. I have heard Learned Counsel appearing for the State and perused the record of the trial Court as also the statements of the witnesses minutely.
7. In his Court statement Complainant Sahadev (PW6) has deposed that at the time of incident, the appellant came to his house and due to some previous dispute regarding Badi, he assaulted him by a Tangiya on his head, due to that he sustained injuries over his head. According to this witness, the incident was witnessed by his Wife Laxmi. This witness has remained firm during his cross-examination. The sole eye-witness i.e. Laxmi (PW1) duly corroborates the statement of Sahadev.
8. Dr. A.D. More (PW4) has medically examined Complainant Sahadev.

According to his report, he found one injury on the right parietal region of the Complainant size 9X8X4 cm. Thus, from the medical report also, it is established that Complainant Sahadev had sustained injuries over his vital part of the body.

9. Looking to the above evidence adduced by the prosecution, in my considered opinion, the trial Court has rightly convicted the appellant.
10. Consequently, I do not find any merit in this appeal. The same is dismissed.

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