

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 615 of 2003

- Itwaru Ram, S/o Budhu Raut, aged about 33 years, R/o Village Churegon, Police Station – Pharasgaon, District- Bastar (C.G.).

---- Appellant

Versus

- State of Chhattisgarh Through Police Station Pharasgaon, District – Bastar, (C.G.).

---- Respondent

For Appellant	:	None
For State/Respondent	:	Shri Sanjeev Agrawal, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

14/01/2021

1. This appeal has been preferred against the impugned judgment dated 31/3/2003 passed in S.T. No. 454/2002 by the 2nd Additional Sessions Judge, Jagdalpur, Bastar (C.G.) wherein appellant has been convicted and sentenced as under :

<u>Conviction</u>	<u>Sentence</u>
U/s 304 Part II of the I.P.C.	R.I. for 7 years & fine of Rs. 1,000/- with default stipulations.

2. According to case of the prosecution, on 26/8/2002 deceased Mansharam was sitting in front of shop of Mansingh alongwith his friends. At that time the appellant came their and due to some previous

enmity, he assaulted Manshram with an axe below his neck region, due to which he sustained injuries on his neck. When appellant tried to fled away from the spot, the villagers caught him. Matter was reported by Mansharam, on the basis of the said, initially offence under Section 307 of the I.P.C. was registered. After completion of investigation, a charge-sheet was filed against appellant for the offence punishable under Section 307 of the I.P.C. Trial Court framed the charges. During trial, on 24.10.2002 during course of treatment, deceased Manshram succumbed to death. The said fact was informed by the concerned S.H.O. to the Trial Court and a supplementary charge-sheet punishable under Section 302 of I.P.C. has been filed. Thereafter, Trial Court framed alternate charges for the offence punishable under Section 302 of the I.P.C against the appellant. To prove the guilt of the accused/appellant, prosecution examined as many as 16 witnesses. No defence witness has been examined. Statement of appellant under Section 313 of the Cr.P.C. was recorded, wherein accused/appellant 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 1 of this judgment. Hence, this appeal.
4. Vide PUD dated 22/10/2020 received from the Jail Superintendent, Central Jail, Jagdalpur (C.G.), it has been reported that appellant has undergone the entire jail sentence imposed upon him by the trial Court and already released on 03/06/2006.
5. No one appears on behalf of appellant today. Finding the correctness of judgment of the trial Court, 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.
7. Eye-witnesses of this case namely Raju (PW-3), Hira Singh (PW-4), Mansingh (PW-5) and Sukhrejan Singh (PW-7), all these witnesses in their Court statements have supported the entire case of prosecution. According to their Court statements, at the time of incident, they were present with the deceased Manshram and at that time appellant came there and assaulted Manshram with an axe due to which he sustained injuries. All the above witnesses remained firm during their cross-examination. There is nothing in their statements which can be disbelieved. One other witness namely Amru Ram has also supported the statement of the above witnesses. From the statements of the above mentioned witnesses, it is well-established that deceased Mansharam was assaulted by the appellant with axe due to which he sustained grievous injuries and during the course of treatment, he succumbed to death.
8. On minute examination of the evidence, it is clear that there is sufficient evidence available on record against the appellant. Looking to the entire evidence adduced by the prosecution, in my considered view, 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