

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 826 of 2001**

- Puranlal S/o Ankaluram aged about 38 years, R/o Village Kerhibhadar, Police Station-Balod, District-Durg, Chhattisgarh.

---- Appellant**Versus**

- State of Chhattisgarh, Through : Police Station Balod, District-Durg, Chhattisgarh.

---- Respondent

For Appellant	:	Ms. Iturani, Mukharjee, Adv.
For Respondent/State	:	Ms. Subha Shrivastava, PL.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****24/09/2021**

1. The present appeal arises out of the impugned judgment of conviction and order of sentence dated 25.08.2001 passed by the learned Special Judge, Durg, C.G., in Special Case No. 101/2000 whereby, the learned Special Judge convicted the appellant and sentenced him as under :-

Conviction	Sentence
U/s 325 of IPC	R.I. for 2 years and fine of Rs. 500/- in default of payment additional R.I. for 3 months.

2. Brief facts of the case are that on 19.07.1999 injured Mahar Singh had gone to bus stand to drop his relative (Samdhi), thereafter he returned home at about 5:00 pm, at that time there were some quarrel between the appellant and Mahar Singh. On hearing this quarrel son and wife of Mahar Singh came outside from their house and took him into the house. After sometime again Mahar Singh was come outside from the house and abused without saying any name on account of that the present appellant assaulted him with iron rod and fled away from there, due to which

Mahar Singh sustained injury on head. Thereafter, complainant lodged a report at police station. After completion of investigation charge-sheet was filed before the concerned Court and charges were framed under Section 307 of IPC r/w 3(2)(5) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. So as to hold the accused/appellant guilty, the prosecution has examined as many as 11 witnesses. Appellant has examined one defence witness in his defence. Statement of the accused/appellant was also recorded under Section 313 of the Cr.P.C. in which he denied the charges levelled against him and pleaded innocence and false implication in the case.

4. After hearing the parties, vide impugned judgment of conviction and order of sentence dated 25.08.2001, learned Special Judge, Durg has not found the appellant guilty for the offence under Section 307 of IPC r/w 3(2)(5) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and convicted him for the offence punishable under Section 325 of IPC and sentenced him to undergo R.I. for 2 years and fine of Rs. 500/- with default stipulation. Hence, the present appeal.

5. Heard learned counsel for the parties and perused the material on record including the impugned judgment.

6. Counsel for the appellant submits that he is not pressing the appeal so far as it relates to the conviction part of the judgment and would confine his argument to the sentence part thereof only. According to him, the incident is said to have taken place in the year 1999, and thereby more than 22 years have rolled by since then. Appellant is aged about 60 years. The appellant was in jail for 40 days, therefore, in the interest of justice, it would be appropriate if the sentence imposed upon him may be reduced to the period already undergone by him.

7. Learned counsel for the State has no objection to this proposition.

8. Having gone through the material on record and the evidence of the witnesses Tiharinbai (PW-1), Fhiranta (PW-2) and Rajednra

Kumar (PW-3), Girdhari (PW-4), Mahar Singh (PW-5), Khamhanlal (PW-6), Dr. G.D. Bhaghel (PW-7), Dr. G.S. Thakur (PW-8), S.K.S. Bisen (PW-9), R.K. Choubey (PW-10) and Shant Kumar Sahu (PW-11), have established the involvement of the accused/appellant in the crime and stands proved beyond reasonable doubt. This Court does not see any illegality in the findings recorded by the Court below as regards conviction of the appellant under Section 325 of IPC.

9. As regards sentence, keeping in view the facts that the incident had taken place in the year 1999, and further that the appellant has already remained in jail for 40 days and the appellant is aged about 60 years, therefore, I am of the view that ends of justice would be served, if the sentence imposed on him is reduced to the period already undergone by him.

10. Accordingly, the appeal is partly allowed. While maintaining the conviction of the appellant, he is sentenced to the period already undergone by him. The appellant is on bail. His bail bonds shall stand discharged.

**Sd/-
(Rajani Dubey)
JUDGE**