

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRR No.243 of 2011**

1. Jhaduram Sonkar, S/o Fudaruram Sonkar, aged about 55 years,
2. Dhanesh Kumar Sonkar, S/o Jhaduram Sonkar, aged about 28 years,

Both resident of Padum Padhav, Simga, P.S. Simga, Distt.-  
Raipur, Chhattisgarh

**---- Applicants****Versus**

- State of Chhattisgarh, Through the District Magistrate,  
Raipur, Chhattisgarh

**---- Respondent**


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| For Applicants | : | Mr. A.P. Sharma, Advocate |
| For Respondent | : | Mr. Anand Verma, G.A.     |

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**Hon'ble Smt. Justice Vimla Singh Kapoor****Order on board****19.03.2021**

On 31.12.2003 at about 7.30 a.m. when Ganga Bai (PW-4) was working in her kitchen garden where she used to grow vegetables, accused/applicants herein came there and caught hold of her hands. On hearing her cries, her husband Sarhu Sonkar (PW-5) who was present at some distance came there. Subsequently, the accused/applicants started beating PW-4 and PW-5 with hands, fists and clubs causing injuries on various parts of their body. On the basis of report lodged by PW-5 the offence under Sections 323/34 and 325/34 IPC was registered against

them. The investigation culminated in filing of *challan* and framing of charge for the said offence.

2. Learned Magistrate vide judgment impugned dated 23.07.2010 passed in Criminal Case No. 299/2004 found the accused/applicants guilty under Sections 323/34 and 325/34 IPC and imposed on them sentence of S.I. for one month with fine of Rs.100/- under Section 323/34 and S.I. for five months with fine of Rs.200/- under Section 325/34, plus default stipulations.

3. Learned Lower Appellate Court vide judgment impugned dated 11.04.2011 upheld the conviction slapped by learned Magistrate but reduced the sentence to R.I. for 15 days and one month from that of S.I. for one month and five months respectively.

4. Having heard counsel for the parties and perused the evidence of the witnesses in particular that of complainant (PW-5) and his wife PW-4 and Dr. S.R. Chaudhary (PW-6) who medically examined both of them, it is manifest that on the fateful day when prosecutrix was busy in growing vegetables in her kitchen garden, the accused/applicants reached there and caught hold of her hands. The husband of the prosecutrix (PW-5) reached there but at that time both the accused/applicants started beating both of them with hands, fists and clubs. Ramlal (PW-1) and Ganesh (PW-3) though have not supported the case of the prosecution yet they have stated that the accused/applicants were involved in beating PW-4 and PW-5. Similarly, the evidence of Doctor (PW-6) goes to show that there was abrasion on the forehead of PW-5, tenderness in the middle finger of his right hand and contusion on wrist and

right thigh. Injury No.2 caused on the middle finger has been opined to be grievous in nature vide Ex-P/6. He also medically examined Ganga Bai (PW-4) and vide his report Ex-P/8 found abrasion on her wrist and swelling above her eye. The injuries caused to PW-4 and PW-5 have been opined to have been caused by hard and blunt object. Thus, there is sufficient evidence to hold the accused/applicants guilty under Sections 323/34 and 325/34 IPC and being so the Court below has not committed any illegality in so doing. The conviction of the accused/applicants under both the Sections is hereby maintained.

4. As regards sentence, this Court, keeping in mind the fact that the incident had taken place in the year 2003 and that the accused/applicants herein happen to be father and son and that if they are kept in detention any longer, their family is most likely to suffer irreparably, this Court in the interest of justice is of the opinion to reduce the sentence imposed on both of them to the period already undergone, which in this case comes to about a fortnight. Order accordingly.

5. The revision is thus allowed in part.

Sd/-  
**(Vimla Singh Kapoor)**  
Judge