

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 330 of 2014

Dwarika Sahu @ Khilawan Sahu S/o. Laxman Sahu, aged about 48 years, R/o. Lalita Kirana Stores Suryanagar Gogaon Raipur, Civil Revenue & District Raipur, (CG).

---- Applicant.

Versus

State of Chhattisgarh, through Station House Officer, Police Station Gudhiyari, District Raipur, (CG).

---- Respondent

For Applicant : Mr. Sachin Nidhi, Advocate

For State/Respondent : Shri Sameer Sharma, Dy. GA.

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

12.04.2021

From the FIR (Ex. P-2) lodged by complainant Bhupendra Kumar Sahu (PW-2) it emerges that on 24.03.2014 at about 10.30 pm when he was taking a stroll in front of his house, the accused/applicant herein reached there and all of sudden started using obscene words to him, threatened him of life and also started beating him with hands and fists. On an alarm being raised by him, his mother Roshini Sahu (PW-2) rushed to the spot and when she intervened in the matter, the accused/applicant inflicted knife injury on her stomach which started bleeding. Complainant (PW-3) also received an injury near the right knee. After registration of the offence against the accused/applicant under Sections 294, 506-II and 324 IPC, the investigation was carried out, Challan was filed followed by framing of charge under the same Sections with addition of the ones under Sections 326 IPC and 25 of the Arms Act.

2. Learned Magistrate vide judgment dated 07.05.2013 acquitted the accused/applicant of the charges under Sections 294, 506-II and 324 IPC & 25 of the Arms Act, but at the same time held him guilty under Sections

323 and 326 IPC by sentencing him to undergo RI for six months with fine of Rs. 100/- u/s 323 IPC and RI for three years with fine of Rs. 100/- u/s 326 IPC, plus default stipulations. By the judgment impugned dated 26.04.2014 learned lower appellate Court also upheld the findings of learned Magistrate. Hence this revision.

3. Having heard counsel for the applicant, perused the evidence of the witnesses in particular that of complainant (PW-3), victim (PW-2) and Jainarayan (PW-4), this Court is of the considered opinion that the complicity of the accused/applicant in causing knife injury on the stomach of PW-2 and an injury on right leg of PW-3 is dully proved. It is for the reason that PW-2 has categorically stated that on hearing the cries of her son when she went to the spot and intervened in the matter, the accused/applicant dealt a knife blow in her stomach which started bleeding. She was thereafter taken to hospital where looking to her condition the doctor referred her to Mekahara Hospital, Raipur. Likewise, PW-2 has also stated that on the date of incident when he was taking a walk in the night in front of his own house, the accused/applicant came there, unnecessarily picked up the quarrel, and also subjected him to beating with hands and fists. Jainarayan Sahu (PW-4) who rushed to the spot on hearing the noise of PW-2 has stated that PW-2 was injured and knife was held by the accused/applicant. From the evidence of Dr. Anil Verma (PW-7) who gave his report Ex. P-7, it is apparent that there was a depressed wound in the stomach of PW-2 and her urinary pouch had also ruptured. According to him, the injury caused to her was grievous in nature. As regards complainant PW-3, he noticed an injury on his right leg though simple in nature. Thus the judgment impugned as regards conviction of the accused/applicant, is hereby maintained.

4. However, looking to the facts and circumstances of the case and the period for which he remained in jail which come to more than three

months, this Court is of the opinion that interest of justice would be served if the sentence imposed on the applicant is reduced to the period already undergone. Order accordingly.

5. Revision is thus allowed in part.

Sd/-

(Vimla Singh Kapoor)

Judge

Jyotishi/Pawan