

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1567 of 2016

- Ajay Kumar, S/o Shri Sagar Uike, Aged about 20 Years, R/o Village Jevra (Futhamuda), Police Station- Seepat, District Bilaspur (C.G.).

---- Appellant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station- Seepat, District Bilaspur (C.G.).

---- Respondent

For Appellant	:	Mr. Rakesh Pandey & Mr. Abhishek Pandey, Advocates.
For Respondent/State	:	Mr. Akash Pandey, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

09/07/2021

1. By the impugned judgment dated 22.09.2016 passed in Sessions Case No. 135/2015 by the learned First Additional Sessions Judge, Bilaspur (C.G.), the Appellant has been convicted for the offence punishable under Section 307 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 05 years, and to pay fine of Rs. 200/-, with default stipulation.
2. According to the case of prosecution, on 14.07.2015 at about 07:30 PM, when victim Gautam Gond was sitting at grocery shop on one *Jahorik*, the Appellant and other co-accused persons assaulted him with fist and knife, due to which he received injuries on his chest,

stomach and back side, thereafter the victim was hospitalized where he was admitted for treatment for about 15 days, on the basis of above, offence has been registered against the Appellant. Later on statements of the victim and witnesses recorded under Section 161 of Cr.P.C. After completion of investigation, charge-sheet has been filed. Trial Court has framed the charges. To prove the guilt of the Appellant, the prosecution has examined as many as 09 witnesses. No defense witness has been examined by the Appellant. Statement of the Appellant under Section 313 of the Cr.P.C. was recorded, wherein he 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 one of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Bilaspur District Bilaspur (C.G.) would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released from jail on 20.09.2019.
5. Learned counsel for the Appellant submits that the Appellant has wrongly convicted by the Trial Court without there being any sufficient and reliable evidence available on record. There are material contradiction and omission occurred in the statement of the witnesses and by ignoring these facts, the trial Court has wrongly convicted the Appellant. Thus, conviction of the Appellant is not sustainable.
6. On the contrary, learned State Counsel opposed the appeal and supported the impugned judgment.

7. I have heard learned counsel appearing on behalf of the parties and perused the record minutely. I have also gone through the statements of the witnesses.
8. In his Court statement, Gautam Maravi (PW-2) supported the entire case of prosecution and deposed according to the case of prosecution. He categorically deposed that the Appellant has assaulted the victim with the help of knife due to that the victim sustained injuries on his chest and stomach. Darshan Netam (PW-1), eye-witness of the case has also supported the entire case of prosecution. Both the above witnesses remain firm during their cross-examination. From the medical report of the victim also it is well established that the victim sustained injuries on vital part of his body and which were caused by hard and sharp object.
9. Looking to the entire case of prosecution, there is sufficient evidence available on record against the Appellant and the crime has duly proved against him. Thus, the Trial Court has rightly convicted the Appellant.
10. Consequently, the appeal has no merit and the same is liable to be and is hereby dismissed.

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