

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRA No. 1508 of 2016**

- Badri Narayan Shori, S/o Bhagwan Singh Sori, Aged About 45 Years, R/o Village Mogragahan, Police Station- Arjuni, District- Dhamtari, Chhattisgarh.

**---- Appellant**

**Versus**

- State of Chhattisgarh, Through- Police Station- Sezbahar, District Raipur, Chhattisgarh.

**---- Respondent**

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| For Appellant        | : | None.                 |
| For Respondent/State | : | Mr. Sushil Sahu, P.L. |

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**Hon'ble Shri Justice Arvind Singh Chandel**

**Judgment on Board**

**28/06/2021**

1. By the impugned judgment dated 10/08/2016 passed in S.C. No. 166/2015 by the learned Second Additional Sessions Judge, Raipur (C.G.), the Appellant has been convicted for the offence punishable under Section 326 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 5 years, and to pay fine of Rs. 5,000/- with default stipulation.
2. According to the case of prosecution, on 22.04.2015, due to some hot talk took place between the Appellant and the complainant, on the very next day i.e. 23.04.2015, the Appellant assaulted the complainant namely Rajendra by paper cutting blade, due to which

complainant sustained injuries, on the basis of said background, offence has been registered against the Appellant. Later on statement of the 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 9 witnesses. No defense witness has been examined. 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, Raipur District Raipur (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 13.07.2019.
5. Since no one appears for the Appellant today, 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. I have also gone through the statements of the witnesses.
7. In the Court statement of complainant/victim namely Rajendra Yadav (PW-2) has supported the entire case of prosecution and deposed according to the case of prosecution. He categorically stated that at the time of incident, the Appellant assaulted him with the help of paper cutting blade due to that he sustained injuries on his chest, neck, ears

and fingers. His right hand's two fingers got imputed. This witness remain firm during his cross-examination. There is nothing on record on the basis of which his statement can be disbelieved. His statement is duly corroborated by Jitendra Singh (PW-6) and Rajesh Singh (PW-7). From the medical evidence also it is well established that victim sustained injuries on his body and it were caused by sharp object.

8. 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 learned 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**