

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 320 of 2013

Veliyentan @ Aju George S/o Late Thamos George, aged about 45 years, R/o Shrinagar, Police Station Khamtarai, Civil, Revenue & District Raipur, CG.

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Khamtarai, District Raipur, CG.

---- Respondent

For Applicant : Mr. Ajay Chandra, Advocate.

For State/Respondent : Mr. Ishwar Jaiswal, PL

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

06.04.2021

On 10.04.2012 when the complainant Anand Rao (PW-1) was taking a morning walk, the accused/applicant met him and made an inquiry with respect to some land. When the complainant asked the accused to talk properly and that too to a proper person in respect of the land deal if any, the accused lost his temper and started abusing filthily in the name of mother and sister, and also threatened him of life. Not only this, the accused also manhandled with the complainant, and as a result of beating he suffered injury on his cheek and the lip. FIR (Ex.P-1) was lodged and the offence under Sections 323 and 506-II IPC was registered against the accused/applicant.

2. Learned Magistrate vide judgment dated 25.10.2012 convicted the accused/applicant under Sections 323 and 506-II IPC and imposed the sentence of RI for six months and pay fine of Rs. 500/- on each count, plus default stipulation. In appeal also, the conviction under both the Sections was maintained but the sentence was reduced to RI for three months with fine of Rs. 1,000/- on each count. Hence this revision.

3. Evidence of the victim (PW-1) clearly shows that when he asked the accused/applicant to talk in a proper manner and make an inquiry with respect to the land to a proper person, he took it otherwise and started abusing him filthily and also threatened him of life. The accused/applicant is also stated to have beaten him, and thus caused injuries on his face and lip which resulted in bleeding also. The testimony of PW-1 gets duly corroborated by Monu Sharma (PW-5) who has stated that the accused/applicant filthily abused the complainant and there was scuffle also between them. He however has not stated anything specific with respect to the injuries being inflicted by the accused. Dr. P. Dubey (PW-4) who medically examined the complainant and gave his report (Ex.P-6) has stated that he noticed bleeding injuries on his lower lip and one of the teeth had also become unstable, for which he referred the victim to a dentist. Thus the complicity of the accused/applicant in the crime in question is fully established and therefore, his conviction recorded by both the Courts below is hereby maintained.

4. As regards sentence, keeping in mind the fact that the incident is quite old and that the accused/applicant has suffered a lot by facing the long drawn prosecution since 2012 and remaining inside for about two weeks, this court is of the considered opinion that the interest of justice would be served if the sentence imposed on the accused/applicant is reduced to the period already undergone. Order accordingly.

5. Revision is thus allowed in part.

Sd/-

(Vimla Singh Kapoor)

Judge