

HIGH COURT OF CHHATTISGARH, BILASPUR
CRR No. 349 of 2014

- Kheer Sagar Padihari, S/o Digamber aged about 24 Years, R/o Village Godhi, Teh. Tamnar, Civil and Rev. Distt. Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Distt. Magistrate Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Rajendra Tripathi, Advocate.
For State/Respondent	:	Mr. Anmol Sharma, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

13.12.2021

1. This revision has been preferred against the judgment dated 29.03.2014 passed by learned Additional Sessions Judge (FTC), Raigarh (C.G.) in Crime No. 141/2014 whereby Appellate Court has affirmed the judgment of conviction hold by Judicial Magistrate First Class, Gharghoda, District Raigarh (C.G.) passed in Criminal Appeal No. 384/2012 dated 12.02.2014.
2. According to the case of prosecution on 12.06.2012, complainant Raghunath Choudhary was going towards the shop of one Krishna, at that time applicant/accused came behind him and committed *marpeet* with him with the help of his sleeper due to which, the complainant sustained injuries on his body. The matter was reported by the complainant.

3. After completion of investigation, a charge-sheet has been filed before the learned JMFC. Learned JMFC vide judgment dated 12.02.2014, convicted the applicant/accused for the offence punishable under Sections 294 & 323 of the IPC and sentenced him with fine of Rs. 300 & 700 respectively, with default stipulations.
4. Against the said judgment of learned JMFC, a criminal appeal has been preferred by the applicant/accused vide impugned judgment dated 29.03.2014. The Appellate Court partly allowed the appeal and acquitted the applicant/accused for the offence punishable under Section 294 of the IPC. However, the Appellate Court affirmed the conviction of the applicant/accused under Section 323 of the IPC and also affirmed his sentence. Hence, this revision.
5. Learned Counsel appearing on behalf of the applicant submits that there is no any independent witness in the present case and statement of complainant Raghunath Choudhary has not duly supported by any other witnesses, therefore, findings of conviction under Section 323 of the IPC by the Courts below are perverse.
6. On the contrary, learned State Counsel opposed the arguments advanced by learned Counsel for the Appellant and supported the impugned judgment of the Court below.
7. I have heard learned counsel appearing on behalf of the parties and perused the judgment of conviction and other documents annexed with the case.

8. On perusal of evidence adduced by the prosecution, it is well established that complainant Raghunath Choudhary was assaulted by the applicant/accused with the help of sleeper, due to that he sustained injuries on his cheek and testicles. He was medically examined by Dr. Dharamsay Painkra (PW-4) and his medical report also supported the case of prosecution, therefore, findings in this regard by both the Courts below are based upon the evidence adduced by the prosecution.
9. I do not found any merit in this revision. Accordingly, the same is liable to be and is hereby dismissed.

Sd/-
(Arvind Singh Chandel)
Judge