

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 943 of 2018

1. Deviprasad S/o Lalaram Bhatt, Aged About 43 Years,
2. Dinesh Kumar, S/o Lalaram Bhatt, Aged About 52 Years,

Applicant Nos.1&2 are R/o- Village- Kumhi, Police Station- Berla, District- Bemetara, Chhattisgarh.

3. Madan Gopal, S/o Late Ambika Prasad Bhatt, Aged About 50 Years,
4. Sudhakar S/o Late Ambika Prasad Bhatt Aged About 48 Years

Applicant Nos. 3&4 are R/o- Village-Tendubhata, Police Station- Saja, District- Bemetara (C.G.).

---- Applicants

Versus

- State of Chhattisgarh, Through- District Magistrate, Bemetara, District- Bemetara, Chhattisgarh.

---- Respondent

For Applicants	: Shri R.K. Pali and Shri Amit Kumar Sahu, Advocates
For Respondent/State	: Shri Chitendra Singh, P. L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

13.12.2021

- 1) Heard on admission.
- 2) The applicants have preferred this revision petition under Section 397 read with Section 401 of CrPC against the judgment dated 04.06.2018 passed by learned Sessions Judge, Bemetara (C.G.) in Criminal Appeal No. 59/2017

whereby the appeal preferred by the applicants against the judgment dated 21.08.2017 passed by learned Judicial Magistrate First Class, Saja, District- Bemetara (C.G.) in Criminal Case No. 144/2011 has been allowed in part and the sentence of rigorous imprisonment under Sections 325 (on two counts), 323 (on two counts) and 147 of IPC has been converted into the sentence of imprisonment till rising of the Court but the fine amount imposed on them by the trial Court has been confirmed.

- 3) Learned counsel for the applicants submit that the learned Court below has committed a grave illegality in holding the applicants guilty under Sections 325 (on two counts), 323 (on two counts) and 147 of IPC in the face of evidence on record. It is further submitted that both the Courts have failed to appreciate the contradictions and omissions in the evidence of the prosecution witnesses, which itself makes the prosecution cases against the applicants doubtful. The evidence adduced by the prosecution are not of such a nature which could prove the guilt of the applicants beyond the shadow of all reasonable doubt and as such, the applicants have been extended the benefit of doubt and thereby acquitted of the charges leveled against them. It is therefore, prayed that allow this revision and set aside the impugned judgment dated 04.06.2018 (annexure A/1).
- 4) On the other hand, learned counsel for the non-applicant/State supports the impugned judgment.
- 5) From perusal of the impugned judgment, it is seen that due to property dispute applicants assaulted the complainant party as a result of which victims Subhash Chand, Navin Bhatt, Prakash Chand and Pankaj Bhatt sustained injuries on various parts of their body. As per MLC

report, victim Prakash Chand sustained fracture injuries. Upon memorandum of the applicants weapons i.e. bamboo club 3 numbers, used in assault by them were seized.

- 6) Thus, considering overall material collected by the prosecution, the seizure from the accused persons pursuant to their memorandum statements, looking to the evidence of victim Pankaj Kumar Bhatt (PW/2), Prakash Chand Bhatt (PW/3) & Subhash Chandra Bhatt (PW/4), they all remained firm in their evidence and also MLR report of the victims, nature of injuries sustained by them, X-ray report of Pankaj & Prakash Chand Bhatt, this Court finds no illegality or perversity in the impugned judgment.
- 7) Consequently, the revision petition being devoid of substance deserves to be and is hereby dismissed at motion stage.

Sd/-
(Gautam Chourdiya)
Judge

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