

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 693 of 2014**

- Balkeshwar Gond, S/o Bandhu Ram Gond, Aged About 35 Years R/o. Vill. Patrapara, P.S.Vishrampur, Distt. Surajpur, Civil And Rev. Distt. Surajpur, Chhattisgarh.

---- Appellant**Versus**

- The State of Chhattisgarh Through P.S. Vishrampur, Distt. Surajpur, Chhattisgarh.

---- Respondent

For Appellant	:	None
For State/Respondent	:	Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board****29/01/2021**

1. This appeal has been preferred against the impugned judgment dated 13/06/2014 passed in S.T. No.300/2012 by the 2nd Additional Sessions Judge, Surajpur, District – Surajpur, (C.G.) wherein appellant has been convicted and sentenced as under :

<u>Conviction</u>	<u>Sentence</u>
U/s 304 Part II of the I.P.C.	R.I. for 10 years and fine of Rs.500/- with default stipulations.

2. In the present case, name of the deceased is Pramila Bai who was the wife of the appellant. According to the case of the prosecution, on 11/7/2012 at around 8:00 PM, a quarrel took place between appellant and his wife Pramila Bai (deceased). At that time, appellant assaulted his wife with the help of bamboo stick due to which she sustained injuries. On the next morning, appellant saw dead body of his wife lying in the bed. Appellant informed about the incident to one Jawahar Singh, who reported the matter in the police station. On the basis of which merged intimation report i.e. Ex.P/2 and F.I.R. i.e. Ex.P/1 have been lodged. Thereafter, inquest proceeding was conducted. On the basis of the memorandum statement of the appellant, one bamboo stick was seized from him. Statement of the witnesses were recorded under Section 161 of Cr.P.C. After completion of the investigation, a charge-sheet was filed. To prove the guilt of the accused/appellant, prosecution has examined as many as 9 witnesses. No defence witness has been examined. Statement of appellant under Section 313 of the Cr.P.C. was recorded, wherein accused/appellant has pleaded his innocence and false implication in the matter.
3. After completion of trial, the trial Court has convicted and sentenced the appellant as mentioned in paragraph 1 of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Ambikapur, (C.G.) dated 27/01/2021 would mention that appellant has undergone the entire jail sentence imposed upon him by the trial Court and already released on 26/06/2019.

5. No one appears on behalf of appellant today. Finding the correctness of judgment of the trial Court, I decide this appeal on merits.
6. I have heard learned Counsel appearing for the State, perused the record and statement of witnesses to assess the correctness of the impugned judgment of conviction.
7. It is not in dispute that the deceased was wife of the appellant and she was found dead over a bed of the house of the appellant. Jawahar Singh (PW-1) in his Court statement has deposed that after the incident the appellant came to his house and told him that his wife was lying dead in his house. Then he reached at the spot and saw that the dead body of Pramila was lying in the house of the appellant. Thereafter, he reported the matter to the police. The above statement of this witness is not duly rebutted during his cross-examination. *Post mortem* examination over the dead body was conducted by Dr. J.S. Sarota (PW-7). According to the *post mortem* report (Ex.P-8), multiple contusions were found over the dead body. Fractures were found in right thoracic ribs No.6 & 7 and injuries were also found in internal organs of the dead body. As opined by Dr. J.S. Sarota, cause of the death was shock due to the aforesaid contusions, fractures and injuries. It was also opined by the doctor that all the injuries found over the dead body were caused by a hard and blunt object. During the course of investigation, on the basis of the memorandum statement of the appellant, a bamboo stick, by which the appellant had assaulted the deceased, was seized from his possession.
8. On a minute examination of the evidence on record, it is clear that there is sufficient evidence against the appellant to hold him guilty. In

my considered view, the trial Court has rightly convicted the appellant.

9. Consequently, the appeal has no merit and is, therefore, dismissed.

Sd/-
(Arvind Singh Chandel)
Judge