

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1000 of 2014

1. Manoj Gond, S/o Sahdev Gond, aged about 22 Years, R/o Village Bugdoli, P.S. Sitapur, Distt.- (Revenue and Civil) Surguja, C.G.
2. Ramashankar, S/o Mangalu Gond, aged about 24 Years, R/o Village Bugdoli, P.S. Sitapur, Distt.- (Revenue and Civil) Surguja, C.G.

---- Appellants

Versus

- State Of Chhattisgarh Through District Magistrate Surguja At Ambikapur, Distt. (Civil And Revenue) - Surguja, C.G.

---- Respondent

For Appellant No. 1.	:Mr. Vineet Kumar Pandey, Advocate.
For Appellant No. 2.	:Mr. Tarun Dansena, Advocate.
For State/Respondent	:Mr. HS Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

28.06.2021

1. Since, Appellant No. 1 has completed his entire jail sentence imposed upon him by the Trial Court and already released from concerned jail on 30.01.2018, therefore, learned Counsel for Appellant No. 1 does not want to press the appeal with regard to Appellant No. 1 Manoj Gond.
2. In view of the above submission, the appeal is dismissed as not pressed with regard to Appellant No. 1 Manoj Gond.

3. This appeal has been preferred against the judgment dated 19.09.2014 passed in Sessions Trial No.146/2013 by the learned Sessions Judge, Surguja (Ambikapur) (C.G.) wherein, Appellant No. 2 has been convicted for the offence punishable under Section 201 of the IPC and sentenced to undergo RI for 2 years and to pay fine of Rs. 500/-, with default stipulation.
4. According to the case of prosecution, Appellant No. 1 is the son of deceased Sahdev. Six months prior to 02.11.2012, wife of the deceased Sukanti Bai (PW-4) was having dinner with her husband i.e. deceased Sukhdev and her son i.e. Appellant No. 1, at that time Appellant No. 1 and the deceased was in drunken condition, a dispute was took place between both of them. Sukanti Bai left house to search her buffalo and when she returned she did not find her husband and her son at home. Thereafter, on 13.06.2012, Appellant No. 1 lodged a missing report of his father/deceased. One week prior to 02.11.2012, Appellant No. 2, who was neighbor of the deceased has told Sukanti Bai that Appellant No. 1 has killed Sukhdev by the help of club and they both have buried the dead body in a field. On 01.11.2012, she informed about the incident to villagers and thereafter on 02.11.2012, after giving telephonic information to the Police, the Police has reached the spot and Dehati Nalisi (Ex. P-6) and morgue intimation (unnumbered) was registered by the Police. Later on FIR has been registered vide Ex. P-6-A. During course of

investigation, statements of the Appellants were recorded. After completion of investigation, charge-sheet was filed by the Police. Trial Court framed the charges against the Appellants. To robe the Appellants in the crime-in-question, the prosecution has examined as many as 8 witnesses. In the statement of Appellant No. 2 recorded under Section 313 of Cr.P.C, he has pleaded his innocence and false implication in the matter, however, no defence witness was examined by Appellant No. 2. After completion of trial, Trial Court convicted and sentenced Appellant No. 2 as mentioned in Para 03 of this judgment. Hence, this appeal.

5. Learned Counsel appearing for Appellant No. 2 submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. He further submits that the main allegations are against Appellant No. 1, Appellant No. 2 has undergone about 9 months out of 2 years of jail sentence, he has no criminal antecedent and he is facing the *lis* since last 7-8 years. Therefore, the jail sentence awarded to Appellant No. 2 may be reduced to the period already undergone by him.
6. On the contrary, learned State Counsel opposed the appeal and supported the impugned judgment.
7. I have heard learned counsel appearing on behalf of the parties and perused the record minutely.

8. Considering the above facts and circumstances of the case, particularly considering the fact that the main allegations are against Appellant No. 1, Appellant No. 2 has undergone about 9 months out of 2 years of jail sentence, he has no criminal antecedent and he is facing the *lis* since last 7-8 years. I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon Appellant No. 2, the jail sentence awarded to him is reduced to the period already undergone by him.
9. Consequently, the appeal is partly allowed. The conviction of Appellant No. 2 under Section 201 of the IPC is affirmed and against the conviction he is sentenced to the period already undergone by him. The fine sentence for the offence punishable under Section 201 of the IPC is also affirmed.
10. It is reported that Appellant No. 2 is in jail, he be released forthwith if not required in any other case.
11. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge