

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1489 of 2015

- Siraj Pando S/o Mangal Say Pando, Aged About 25 Years R/o Gram Bhawarkhoh, Pandopara, P. S. Sonhat, District Koriya, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through Police Station Sonhat, District Koriya (Baikunthpur) 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 18/11/2015 passed in S.T. No.123/2014 by the Sessions Judge, Baikunthpur, District – Koriya, (C.G.) wherein appellant has been convicted and sentenced as under :

<u>Conviction</u>	<u>Sentence</u>
U/s 307 of the I.P.C.	R.I. for 7 years and fine of Rs.500/- with default stipulations.

2. In the present case, victim Samay Lal (PW-5) is the real brother of the appellant. According to the case of the prosecution, appellant has three brothers. Name of the eldest brother is Sainya Lal (PW-2), name of second brother is Samay Lal (PW-5) who is the victim and appellant is the youngest brother. Sonamati (PW-1) is the wife of Sainya Lal (PW-2). Prior to 15-16 days of the incident, appellant used to reside in the house of Sonamati. On 3.6.2014 at around 5:00 AM, wife of the victim namely Phoolmati went to the house of Sonamati and from there went to some other place. Then Phoolmati came to her house alongwith appellant. When Samay Lal saw Phoolmati and appellant together, he slapped Phoolmati doubting of having illicit relationship between both of them. At that time, appellant while protecting Phoolmati, and with intension to kill, assaulted Samay Lal with a broken bottle of glass. Victim Samay Lal rushed towards the house of Sonamati to save himself. This incident was witnessed by Vishnu (Kotwar) and some other witnesses. Matter was reported by Sonamati (PW-1) and F.I.R. i.e. Ex.P/1 was lodged. Statements of the witnesses were recorded under Section 161 of Cr.P.C. After completion of the investigation, a charge-sheet was filed for the offence punishable under Section 307 of the I.P.C.. To prove the guilt of the accused/appellant, prosecution has examined as many as 7 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 28/01/2021 would mention that appellant has undergone the entire jail sentence imposed upon him by the trial Court and already released on 05/06/2020.
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. Injured Samay Lal (PW-5) was medically examined by Dr. Prasoon Kumar Toppo (PW-4). His report is Ex.P/8. According to the M.L.C. report of the victim, there is lacerated wound measuring 4x3x2 cm in the left parietal region of the victim which is of grievous nature. The said injuries were caused by hard and sharp object. Samay Lal (PW-5) in his Court statement has deposed according to the case of the prosecution. He has categorically stated that at the time of incident, he found his wife with appellant. Then they abused him and appellant assaulted him with a broken bottle of glass in his head. Statement of Samay Lal (PW-5) was duly corroborated by Sonamati (PW-1). Both the above witnesses remained firm during their cross-examination. From the statements of above witnesses, it is well-established that appellant assaulted Samay Lal (PW-5) with the broken bottle of glass in his head due to which he received severe injuries.
8. Looking to the entire evidence adduced by the prosecution, in my

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

9. Consequently, the appeal has no merit and the same is liable to be and is hereby dismissed.

**Sd/-
(Arvind Singh Chandel)
Judge**