

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 1508 of 2015

- Dilip Sahu, S/o Late Ramu Sahu, Aged About 48 Years, R/o Village Amadi, P.S. Arjuni, At Present Near Bailbazar, Dhamtari, District Dhamtari, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through The Police Station City Kotwali, Dhamtari, District Dhamtari, Chhattisgarh.

---- Respondent

For Appellant	:	None.
For State/Respondent	:	Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

09/06/2021

1. This appeal has been preferred against the impugned judgment dated 26/11/2015 passed in S.T. No.15/2015 by the Additional Sessions Judge, Dhamtari, District – Dhamtari, (C.G.) wherein appellant has been convicted and sentenced as under :

<u>Conviction</u>	<u>Sentence</u>
U/s 324 of the I.P.C.	R.I. for 2 years and fine of Rs.100/- with default stipulation
U/s 326 of the I.P.C.	R.I. for 4 years and fine of Rs.100/- with default stipulations

Both sentences to run concurrently.

2. According to the case of the prosecution, on 18.05.2015, there was a Chhatti Program at the house of nephew of the complainant/injured namely Gopal Sonkar (PW-1), wherein the accused/appellant was given tender of cooking food stuffs. At about 10:30 PM, when relatives of the complainant and others were taking meal, appellant in the state of intoxication came to the spot and started abusing. Thereafter, he assaulted the complainant at his abdomen with the help of knife. When Narendra Sonkar came on spot and attempted to stop the appellant, then he also assaulted him by knife on his abdomen due to which he also sustained injuries. Both injured persons were taken to the hospital for treatment. Report was made by complainant Gopal Sonkar vide Ex.P-1. Statement of witnesses were recorded under Section 161 of Cr.P.C. After completion of the investigation, a charge-sheet was filed. Trial Court framed charges under Sections 307/34 (two counts), 294 & 506-Part II/34 of the I.P.C against appellant and co-accused person namely Chunesht Kumar Sahu. To prove the guilt of the accused/appellant, prosecution has examined as many as 10 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 acquitted the co-accused person namely Chunesht Kumar Sahu from all charges, however, convicted and sentenced the appellant as mentioned in paragraph 1 of

this judgment. Hence, this appeal.

4. Vide PUD dated 04/03/2021, sent by the Jail Superintendent, Central Jail, Raipur, (C.G.) would mention that appellant has undergone the entire jail sentence imposed upon him by the trial Court and already released on 28/7/2018.
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. Per contra, learned Counsel appearing for the State supports the impugned judgment and submits that sentence awarded by the trial Court is just and proper and requires no interference.
7. I have heard learned Counsel appearing for the State, perused the record and statements of the witnesses minutely.
8. Gopal Sonkar (PW-1) in his Court Statement has supported the entire case of the prosecution and deposed according to the case of the prosecution. Narendra Sonkar (PW-2), Dilip Sahu (PW-4), Devesh Sonkar (PW-5) and Banti Sonkar (PW-6) have also supported the statement of Gopal Sonkar (PW-1). From the statement of Dr. T.R. Dhruw (PW-3) and M.L.C. reports of the injured persons, it is well established that both have sustained injuries in their abdomen which was caused by sharp edge object. The injuries sustained by the Narendra Sonkar was of grievous nature.
9. On a minute examination of the evidence on record, it is clear that there is sufficient evidence against the present appellant to hold him guilty. In my considered view, the trial Court has rightly convicted the

appellant.

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