

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CRA No. 1245 of 2017

- Nabor Lakada S/o Late Firdel Lakada, Aged About 35 Years R/o Village Chhotaglounda Thana- Jaspur, District- Jashpur, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through Thana- Jaspur, District Jaspur, Chhattisgarh.

---- Respondent

For Appellant	:Mr. Arjun Lal Singroul, Advocate.
For State/Respondent	:Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

07.07.2021

1. This appeal has been preferred against the judgment dated 23.05.2017, passed in Sessions Case No. 12/2017 by the learned Sessions Judge, Sessions Division, Jashpur, Distt. Jashpur (C.G.) wherein, the Appellant has been convicted for the offence punishable under Section 307 of the IPC and sentenced to undergo RI for 7 years and to pay fine of Rs. 1,000/-, with default stipulation.
2. According to the case of prosecution, on 22.04.2016 at about 2:00 AM, the Appellant along with injured namely Admon and other persons were gone to attend the marriage of son of Dev Singh Kujur. Allegedly, during marriage party, due to some

previous enmity, the Appellant assaulted Admon with the help of knife due to that he sustained injuries on his abdomen. The incident was witnessed by wife and sister of injured Admon and other witnesses. Thereafter, the matter was reported in concerned Police Station. On the basis of above, offence has been registered against the Appellant. Later on, statements of injured person and witnesses recorded under Section 161 of the Cr.P.C. After completion of investigation, charge-sheet was filed by the Police. Trial Court framed the charges against the Appellant. To robe the Appellant in the crime-in-question, the prosecution has examined as many as 11 witnesses. In the statement of the Appellant 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 the Appellant. After completion of trial, Trial Court convicted and sentenced the Appellant as mentioned in Para 01 of this judgment. Hence, this appeal.

3. Learned Counsel appearing for the Appellant submits that the prosecution agency has failed to prove the guilt of the Appellant beyond all reasonable doubts. He further submits that there are material contradictions and omissions occurred in the deposition of prosecution witnesses, therefore, their statements are not reliable. Alternatively, the Counsel further submits that out of seven years of jail sentence, the Appellant has already undergone about 5 years in jail. He has no criminal antecedent and has facing the *lis* since 2016. The

Counsel lastly submits that if the conviction of the Appellant may be affirmed, it is prayed that the sentence awarded to the Appellant may be reduced to the period already undergone by him.

4. On the contrary, learned State Counsel opposed the appeal and supported the impugned judgment of conviction.
5. I have heard learned counsel appearing on behalf of the parties and perused the record. I have also gone through the statements of the witnesses minutely.
6. In his Court statement, injured Admon Lakra (PW-1) deposed according to the case of prosecution and categorically stated that due to some previous dispute with the Appellant at the time of incident, the Appellant assaulted him with the help of knife due to which he sustained injuries on his stomach. The above statement of this witness is duly corroborated by Sunita Lakra (PW-2), Pramod Toppo (PW-3) and Anita Minj (PW-5). The medical evidence also shows that injured Admon sustained one injury on his stomach which was caused by hard and sharp object. All the above witnesses remain firmed during their cross-examination.
7. Looking to the statements of the above witnesses and evidence available on record which is duly corroborated by medical evidence. In my considered view, the Trial Court has rightly convicted the Appellant.

8. The conviction of the Appellant under Section 307 of the IPC is affirmed and with regard to the sentence part, considering the fact that out of seven years of jail sentence, the Appellant has already undergone about 5 years in jail. He has no criminal antecedent and has facing the *lis* since 2016. I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Appellant, the jail sentence awarded to him is reduced to the period already undergone by him.

9. Consequently, the appeal is partly allowed.

10. 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