

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRA No. 1360 of 2019**

Dinesh Vishal S/o Prahlad Vishal, aged about 22 years, R/o Village Bardih, P.S. Basna, District : Mahasamund, Chhattisgarh

**---- Appellant**

**Versus**

State of Chhattisgarh through Station House Officer, Police Station Basna, District : Mahasamund, Chhattisgarh

**---- Respondent**

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For Appellant : Shri Yogeshwar Sharma, Advocate.  
For State/Respondent : Shri Rajendra Tripathi, P.L.

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**Hon'ble Shri Justice Arvind Singh Chandel**

**Judgment on Board**

**30.11.2021**

1. This appeal has been preferred against the impugned judgment dated 29.08.2019 passed in S.T. No.22/2017 by the Additional Sessions Judge, Saraipali, District – Mahasamund, (C.G.) wherein appellant has been convicted and sentenced as under :

| <b><u>Conviction</u></b> | <b><u>Sentence</u></b>                                             |
|--------------------------|--------------------------------------------------------------------|
| U/s 307 of I.P.C.        | R.I. for 7 years and fine of Rs.1,000/- with default stipulations. |

2. In this case the victim (PW-9) is the wife of the appellant, their marriage was solemnized on 16.04.2013 and out of their wed-lock, a girl child was born. According to case of the prosecution, after the marriage of sister of the appellant, the appellant used to demand money from his wife/victim and for this reason quarrel used to take place between both of them. Further case of the prosecution is that, on 30.12.2016, the appellant committed *maar-peet* with his wife and poured kerosene oil upon her and set her ablaze due to which she sustained 54 per cent burn injuries on her body. During course of investigation, the statement of the victim was recorded on 16.01.2017 and on the same date a complaint was made by the father of the victim. On the basis of written complaint and the statement of victim, offence was registered. Statements of the witnesses were recorded under Section 161 of Cr.P.C. After completion of the investigation, a charge-sheet was filed. Trial Court framed charges. To prove the guilt of the accused/appellant, prosecution has examined as many as 11 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 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. Learned counsel appearing for the appellant submits that he does not want to press this appeal on merits and confines his argument to the

sentence part only. He submits that the appellant has completed more than 4 year 11 month in jail out of 7 year jail sentence imposed upon him by the concerned Trial Court. He has no criminal antecedents. Presently, he is aged about 25 years. He further submits that on perusal of statement of the victim, it appears that after the incident, she was taken to the hospital by the appellant and his family members and the expenses of her treatment has also been paid by the appellant and his family members. Learned counsel further submits that there are two children of the appellant and they are presently residing with the appellant's family and there are chances of settlement between the appellant and his wife, therefore, it is prayed that the appellant may be reduced to the period already undergone by him or his sentence may be reduced to some extent.

5. 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.
6. I have heard learned Counsel appearing for the parties, perused the statement of witnesses and other annexed documents available on record minutely.
7. On minute examination of statements of the witnesses and looking to the entire evidence adduced by the prosecution, in my considered view, the trial Court has rightly convicted the appellant. I do not find any infirmity in the order of the trial Court. Thus, conviction of the appellant is affirmed.

8. With regard to the jail sentence of the appellant, considering the fact that appellant has already completed about 4 years and 11 months in the jail, he is not having any previous antecedents, he is a young person aged about 25 years, he is facing the *lis* for last 4 years, 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 under Section 307 of the I.P.C. is reduced from 7 years to 5 ½ years (5 years six months). The fine sentence is affirmed and in default of payment of fine, appellant is liable to undergo further R.I. for two months.
9. Consequently, the appeal is partly allowed to the extent indicated above.
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**