CGHC010039342019 2026:CGHC:45093

KISHORE KUMAR DESHMUKH
Digitally signed by KISHORE KUMAR DESHMUKH
Date: 2026.10.27 17:51:41 +0530

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 88 of 2019

1 - Ashish Nath S/o Late Shri Nathanial Nath Aged About 51 Years R/o- Opp-Rajendra Nagar, Civil Line, District- Bilaspur, Chhattisgarh. Pin- 495001, District : Bilaspur, Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Police Station- Civil Line, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

2 - Dr. Sanjay Prakesh S/o A. Prakesh Aged About 40 Years R/o Rukhmani Vihar, Kumhar Para, Talapara, Bilaspur, At Present R/o W.J. Apartment, 1st Floor, Behind Galaxy Motors, Maharana Pratap Chowk, District- Bilaspur, Chhattisgarh, Pin-495001., District : Bilaspur, Chhattisgarh

... Respondent(s)

For Appellant	:	Mr. Azad Siddique, Advocate
For State	:	Mr. Rishabh Bisen, Panel Lawyer
For Respondent No. 2	:	Mr. Mahendra Dubey, Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas
Order On Board

26.10.2026

1. Heard on the question of sentence to respondent No. 2.

2. This Court vide judgment dated 24.09.2026 in present Acquittal No. 88 of 2019 has upheld conviction of respondent No. 2 under Section 306 of the IPC.

3. Learned counsel for respondent No. 2 would submit that respondent No. 2 is aged about 50 years, his children are studying in medical colleges and he is the only member to look after his family members, therefore, if he is directed to remain in incarceration, the future of the children would be adversely affected. He would further submit that respondent No. 2 has remained in incarceration for a period of 1 year 2 months and 14 days, and further no minimum punishment and enhancement in fine sentence has been prescribed in the Statute therefore, the jail sentence awarded by the learned Trial Court may be reduced and if deemed fit, fine sentence may be enhanced.

4. Per contra, learned counsel for the appellant opposes the prayer for reduction of sentence and would submit that respondent No. 2 has committed offence of torture and harassment against a woman due to which she has committed suicide, therefore, he would pray for awarding maximum sentence to respondent No. 2.

5. Learned counsel for the State supports submission of the learned counsel for the appellant.

6. I have heard learned counsel for the parties.

7. Considering the fact that the conviction of respondent No. 2 has already been affirmed by this Court for commission of offence under Section 498A of the IPC in Criminal Appeal No. 901 of 2016 arising out of the same incident, in which, sentence of three years has been imposed and having regard to the gravity of the offence under Section 306 of the IPC, respondent No. 2 is sentenced to undergo rigorous imprisonment for a period of three years.

8. However, considering the age of respondent No. 2 and the period of

incarceration already undergone by him, he shall be entitled to the benefit of set-off under Section 468 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for the period of detention already undergone by him, i.e., one year, two months and fourteen days.

9. Respondent No. 2 is directed to surrender before the trial Court for undergoing remaining sentence on or before 10th December, 2026, if he fails to do so, learned trial Court is directed to proceed in accordance with law.

10. With the aforesaid observation and direction, the Acquittal Appeal is disposed of. Let a copy of this order be sent to the learned Trial Court for information and necessary compliance.

Sd/-
(Narendra Kumar Vyas)
Judge

Deshmukh