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AKHILESH BEOHAR
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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1023 of 2026

- Akash Chouhan, S/o Late Bhagwat @ Motu Chouhan, aged about 19 Years, R/o Village - Katiyapara, P.S. - City Kotwali, Presently Residing - In Front of Hotel - 786, P.S. - Civil Line, District - Bilaspur (C.G.)

... Appellant

versus

- The State of Chhattisgarh, Through, Police P.S. - Civil Line District - Bilaspur (C.G.)

... Respondent

For Appellant	:	Mr. Aman Kesharwani, Advocate.
For State	:	Mr. Siddharth Sharma, Panel Lawyer.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Judgment on Board

27/10/2026

1. This criminal appeal has been preferred by the appellant under Section 415(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'), against the judgment of conviction and order of sentence dated 26.02.2026 passed by the learned 9th Upper Sessions Judge, Bilaspur, C.G. (hereinafter referred to as the 'trial Court') in Sessions Case No.210/2021, whereby the appellant has been convicted and sentenced as under:-

Conviction	Sentence
Under Section 307 of Indian	Rigorous Imprisonment for

Penal Code (in short, 'IPC')	seven years and fine of Rs.1,000/-, in default of payment of fine amount to undergo additional rigorous imprisonment for one year
Under Section 25(1B)(b) of Arms Act	Rigorous Imprisonment for three years and fine of Rs.1,000/-, in default of payment of fine amount to undergo additional rigorous imprisonment for six months
Under Section 27(1) of the Arms Act, 1959	Rigorous Imprisonment for five years and fine of Rs.1,000/-, in default of payment of fine amount to undergo additional rigorous imprisonment for six months
All sentences were directed to run concurrently	

2. Case of the prosecution, in brief, is that on 28.03.2021, at about 8:30 p.m., PW-6/injured Sheikh Shabbir had gone to Bharat Dairy, Taiba Chowk, Bilaspur, to purchase milk, where appellant- Akash Chauhan, along with his associates, allegedly abused him over a monetary dispute and stabbed him in the abdomen with a knife with the intention of causing his death. Thereafter, the injured- Sheikh Shabbir was taken to CIMS Hospital, Bilaspur. On report being lodged in this regard, an FIR (Ex.P-2) was registered against the appellant for the offences punishable under Sections 294, 307 and 34 of IPC.

3. During investigation, Investigating Officer prepared the spot map (Ex.P-3), obtained the medical report of the injured (Ex.P-13), and recorded the memorandum statement of the appellant (Ex.P-6), pursuant to which, a knife was recovered from the appellant and seized vide Ex.P-7. Appellant was arrested vide Ex.P-9. Blood-stained grey-coloured lower worn by the injured was seized vide Ex.P-8. Seized articles were sent to FSL for chemical examination, and the FSL report

was obtained vide Ex.P-22. After completion of investigation, charge-sheet was filed against the appellant for the offence punishable under Sections 307, 294 & 34 of IPC and Sections 25 & 27 of the Arms Act.

4. The learned trial Court framed charges against the appellant under Sections 294, 307 and 506 Part II of IPC and Sections 25 and 27 of the Arms Act. Appellant denied the charges, pleaded not guilty and claimed to be tried.

5. After appreciating the evidence available on record, the learned trial Court convicted and sentenced the appellant as mentioned in paragraph 1 of this judgment. Hence, this appeal.

6. At the outset, learned counsel for the appellant submits that he does not wish to press the present appeal insofar as the conviction recorded by the learned trial Court is concerned and confines his submissions to the quantum of sentence. He further submits that, although the appellant assaulted the victim with a knife in the stomach, but the dispute arose over a trivial issue, i.e., a demand of Rs.20/- by the appellant from the victim. He also submits that the appellant has been in jail since 29.03.2021, i.e., the date of his arrest, and has undergone more than 5 years and 6 months of imprisonment. Appellant has no criminal antecedents and is a young boy aged about 19 years. Therefore, it is prayed that his jail sentence may be reduced to the period already undergone by him.

7. On the contrary, learned State counsel supports the impugned judgment and submits that the appellant caused an injury to a vital part of the victim’s body with a sharp-edged weapon. Therefore, the

conviction and sentence awarded to the appellant are justified, and the appeal deserves to be dismissed.

8. I have heard learned counsel for the parties and perused the material available on record, including the record of the trial Court.

9. Though learned counsel for the appellant is not pressing the appeal against the conviction recorded by the learned trial Court, but the depositions of PW-6/injured Sheikh Sabbir, PW-1 Dr. Komal Prasad and PW-7 Dr. Rani Keshari establish that the appellant assaulted the victim with a knife, causing an injury to his stomach. Furthermore, the knife was also seized from the possession of the appellant. Thus, the finding recorded by the learned trial Court holding the appellant guilty of the offences under Section 307 of IPC and Sections 25(1B)(b) and 27(1) of the Arms Act is based on the evidence available on record. Therefore, this Court is not inclined to interfere with the finding of conviction, which is hereby affirmed.

10. So far as the sentence is concerned, having considered the isolated injury sustained by the victim due to the assault by the appellant, the other facts and circumstances of the case, and the fact that the appellant has undergone more than 5 years and 6 months of imprisonment (i.e., from 29.03.2021 till date) against the sentence awarded by the learned trial Court, this Court is of the view that no useful purpose would be served by keeping the appellant in further detention to undergo the remaining period of sentence, rather, the ends of justice would be served if his jail sentence under the aforesaid sections is reduced to the period already undergone by him. Ordered accordingly.

11. Consequently, the appeal is partly allowed. The conviction of the appellant under Section 307 of IPC and Sections 25(1B)(b) and 27(1) of the Arms Act, as recorded by the learned trial Court, is affirmed. However, the jail sentence imposed upon the appellant under the aforesaid sections is reduced to the period already undergone by him, i.e., from 29.03.2021 till date. The fine amount, along with the default sentence imposed by the learned trial Court, shall remain intact. The impugned judgment stands modified to the above extent.

12. Appellant is reported to be in jail. Therefore, he be released forthwith, if not required in any other case.

13. Keeping in view the provisions of Section 481 of the BNSS, the appellant is directed to furnish a personal bond in terms of Form No. 45 prescribed under the Code of Criminal Procedure, for a sum of Rs.25,000/- before the concerned Special Court, which shall remain effective for a period of six months, along with an undertaking that, in the event of filing of a Special Leave Petition against the instant judgment or for grant of leave, the appellant, on receipt of notice thereof, shall appear before the Hon'ble Supreme Court.

14. Record of the concerned trial Court along with a copy of this judgment be sent back forthwith for information and necessary compliance.

15. Interlocutory applications, if any, also stand disposed of.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Akhilesh