CGHC010195992023 2026:CGHC:45670

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 209 of 2023

- State of Chhattisgarh Through Police Station A.J.K., Surajpur, District Surajpur (C.G.) **... Appellant.**

versus

1. Ramdayal S/o Bolu Ram Vishwakarma Aged About 58 Years R/o Village Chandannagar (Garjanpara), Police Station Premnagar, District Surajpur (C.G.)
2. Ujiyar S/o Bolu Ram Vishwakarma Aged About 63 Years R/o Village Chandannagar (Garjanpara), Police Station Premnagar, District Surajpur (C.G.)
3. Kalam Vishwakarma S/o Shivbalak Vishwakarma Aged About 50 Years R/o Village Chandannagar (Garjanpara), Police Station Premnagar, District Surajpur (C.G.)
4. Santlal @ Lakkad S/o Kalam Vishwakarma Aged About 29 Years R/o Village Chandannagar (Garjanpara), Police Station Premnagar, District Surajpur (C.G.)
5. Khelsai @ Khedu S/o Ramdayal Vishwakarma Aged About 23 Years R/o Village Chandannagar (Garjanpara), Police Station Premnagar, District Surajpur (C.G.)
6. Gautam Prasad S/o Ujiyar Vishwakarma Aged About 31 Years R/o Village Chandannagar (Garjanpara), Police Station Premnagar, District Surajpur (C.G.) **... Respondent(s)**

For appellant/State	**:**	Ms. Vaishali Mahilong, Govt. Advocate.
For Respondent(s)	**:**	Mr. Umakant Chandel, Advocate.

(Hon'ble Mr. Justice Narendra Kumar Vyas)

Order on Board

28/10/2026

1. Today, the matter is listed before this Court for hearing on the question of sentence to be imposed upon the accused/respondents.

2. Heard learned counsel for the parties on the question of sentence, in compliance with the provisions of Section 235(2) of the Code of Criminal Procedure, 1973 (Cr.P.C.)/Section 254(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

3. Learned counsel appearing for the accused/respondents would submit that respondent No. 1 is presently aged about 64 years and respondent No. 2 is aged about 69 years, as such they are senior citizens. He would further submit that the accused/respondents have been convicted by this Court for the offences punishable under Sections 148/149, 323/149 and 294 of the Indian Penal Code, 1860 (IPC) and no minimum sentence is prescribed for the offence punishable in Section 323 of the IPC. He would further submit that the incident occurred in the year 2020 and more than six years have elapsed since then. It is contended that sending the accused/respondents back to jail at this stage would adversely affect their respective families. He would further submit that accused/respondents Nos. 1 to 4 and 6 have already undergone incarceration for 12 days each, whereas accused/respondent No. 5 has undergone incarceration for 18 days. Accordingly, he prays that a lenient view be taken and an appropriate fine be imposed instead of directing the accused/respondents to undergo further imprisonment.

4. Per contra, learned State counsel would submit that the prosecution has established the offences punishable under Sections 148/149, 323/149 and 294 of the IPC against the accused/respondents, and the same stands duly corroborated by the material available on record and would pray that the maximum sentence prescribed under the relevant provisions of law be imposed upon the accused/respondents.

5. I have heard learned counsel for the parties and perused the record of the courts below.

6. Considering the facts and circumstances of the case, particularly the period of incarceration already undergone by the accused/respondents, ie., 12 days by accused/respondents Nos. 1 to 4 and 6 and 18 days by accused/respondent No. 5, and further considering their age and also the fact that no minimum sentence of imprisonment is prescribed for the offence punishable under Section 323 of the IPC, this Court is of the considered view that the ends of justice would be served by imposing a fine of Rs. 3,000/- (Rupees Three Thousand only) upon each of the accused/respondents, instead of directing them to undergo further imprisonment. If the fine amount is not deposited by the accused respondents within a period of one month from today, they shall undergo the jail sentence for three months.

7. Accordingly, each of the accused/respondents is directed to deposit a fine of Rs. 3,000/- (Rupees Three Thousand only) before the learned trial Court within a period of one month from the date of this order. Upon deposit, the learned trial Court shall disburse the amount so deposited to the complainant/injured by way of compensation, in accordance with law. It is made clear that, in the event of failure on the part of any of the accused/respondents to deposit the aforesaid amount within the stipulated period, the learned trial Court shall take appropriate steps against the defaulting accused/respondent in accordance with law and submit a compliance report before this Court.

8. This order shall be read in conjunction with the order dated 24.09.2026 passed by this Court. A copy of this order, along with a copy of the order dated 24.09.2026, shall be furnished to the accused/respondents and forwarded to the learned trial Court for necessary compliance.

9. Accordingly, this acquittal appeal is partly allowed to the extent indicated above.

Sd/-
(Narendra Kumar Vyas)
JUDGE

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