CGHC010455022025 2026:CGHC:45763

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2332 of 2025

- Om Prakash Sahu S/o Bramhnand Sahu, Aged About 41 Years R/o Ward No. 05, Basti Para, Khudmudi, P.S. Patan, Tahsil Patan, District Durg (C.G.)

... Appellant

versus

- State Of Chhattisgarh Through Station House Officer, Police Station Patan, District Durg (C.G.)

... Respondent

(Cause title taken from CIS Periphery)

For Appellant	:	Mr. DK Vishwakarma, Advocate.
For State	:	Mr. Vinod Tekam,GA and Mr. Ujjawal Choubey, PL.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Judgment on Board

29/10/2026

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 30.07.2025 passed by the learned Upper Sessions Judge, Patan, District Durg (C.G.) (hereinafter referred to as the 'trial Court') in Sessions Case No.197/2024, whereby the appellant has been convicted and sentenced as under:-

Conviction	Sentence
Under Section 307 of Indian Penal Code (in short, 'IPC')	Rigorous Imprisonment for ten years and fine of Rs.5,000/-, in default of payment of fine amount to undergo additional rigorous imprisonment for one month

2. Case of the prosecution, in brief, is that on 10.10.2023, at about 5:30 p.m., the complainant -Khemlal Vishwakarma was returning home after work. When he reached near the old market chowk, Jaitkham, situated in village Khudmudi, Police Station Patan, District Durg, he saw his nephew, Khemanshu Vishwakarma, aged about six years, playing in front of the old market chowk. At that time, the appellant Omprakash Sahu, came there and, questioning the child as to why he was playing there, caught hold of him, abused him in filthy language, and threatened to kill him. Thereafter, the appellant assaulted the child on his face with a sharp-edged object, causing an injury to the upper portion of his lip, from which blood started oozing. The injured child was taken to the hospital for treatment. On the basis of the report lodged by the complainant in this regard, an FIR (Ex.P-1) was registered against the appellant for the offences punishable under Sections

294, 506 and 323 of the IPC. During the course of investigation, spot maps (Exs.P-2 and P-3) were prepared, the medical report of the injured (Ex.P-3A) was obtained, and a sickle was recovered from the appellant vide seizure memo (Ex.P-5). The appellant was arrested. After completion of the investigation, the charge-sheet was filed against the appellant for the offences punishable under Sections 294, 506, 323 and 307 of the IPC.

3. The learned trial Court framed charges against the appellant under Sections 307, 506-B and 294 of the IPC. Appellant denied the charges, pleaded not guilty and claimed to be tried.

4. 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.

5. 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 by means of a sickle (हंसिया), but the dispute arose over a trivial issue. He further submits that the appellant has been in jail since 28.10.2023, i.e., the date of his arrest, and has undergone more than three years of imprisonment. The appellant has no criminal antecedents. Therefore, it is prayed that his jail sentence may be reduced to the period already undergone by him.

6. Per contra, learned State counsel supports the impugned judgment and submits that the conviction and sentence awarded to the appellant are justified, and the appeal deserves to be dismissed.

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

8. Though learned counsel for the appellant is not pressing the appeal against the conviction recorded by the learned trial Court, this Court has examined the material available on record to the extent necessary. As per the deposition of the victim (PW-3), the appellant assaulted him by means of a sickle, due to which he sustained injuries on his upper lip. The aforesaid facts are also supported by the depositions of his uncle Khemlal Vishwakarma (PW-2), and Arjun Singh Vishwakarma (PW-4). Khomlal Vishwakarma (PW-1), the father of the victim, also saw the victim in an injured condition at the hospital. Dr. Anurag Sonkar (PW-5), the examining doctor, stated in his deposition that, upon examining the victim on 10.10.2023, he found a lacerated wound on the upper jaw. He further stated that two teeth of the victim were broken. The sickle was also seized from the possession of the appellant. Having considered the depositions of the aforesaid witnesses and the material available on record, this Court finds that the finding recorded by the learned trial Court convicting the appellant for the offence under Section 307 of the IPC is based on the evidence available on record and does not call for any

interference. Accordingly, the conviction of the appellant under Section 307 of the IPC, as recorded by the learned trial Court, is hereby affirmed.

9. So far as the sentence is concerned, having considered the nature of the injuries 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 three years and one day of imprisonment, i.e., from 28.10.2023 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 section is reduced to the period already undergone by him, i.e., from 28.10.2023 till date. Ordered accordingly.

10. In the result, the criminal appeal is **partly allowed**. The conviction of the appellant under Section 307 of the IPC, as recorded by the learned trial Court, is maintained. However, the jail sentence imposed upon the appellant under the aforesaid section is reduced to the period already undergone by him, i.e., from 28.10.2023 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.

11. The appellant is reported to be in jail. Therefore, he be released forthwith, if not required to be detained in connection with any

other case.

12. 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 trial 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.

13. The record of the concerned trial Court, along with a copy of this judgment, be sent back immediately to the trial Court, as well as to the concerned Jail Superintendent, for information and necessary compliance.

14. Pending interlocutory applications, if any, also stand disposed of.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Rukhsar