CGHC010482732025 2026:CGHC:44067

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No.2372 of 2025

1 - Rahul Kosare, S/o Shri Shatrughan Kosare, Aged About 21 Years, R/o Village Bamburdih Near Bajrang Chowk, Thana Patewa, Distt. Mahasamund (C.G.)

Appellant (s)

versus

1 - State Of Chhattisgarh Through the District Magistrate Mahasamund, Distt. Mahasamund (C.G.)

Respondent(s)

For Appellant (s)	:	Mr. Sunil Sahu, Advocate
For Respondent (s)	:	Mr. Ujjwal Choubey, PL

Hon'ble Mr. Justice Naresh Kumar Chandravanshi

Judgment on Board

12/10/2026

1. This criminal appeal has been preferred by the appellant under Section 415 (2) of BNSS against the judgment of conviction and order of sentence dated 30.10.2025 passed by the learned 1st Additional Session Judge, Mahasamund (C.G.) in ST No.H-33/2020, whereby the appellant has been convicted and sentenced as under:-

Digitally signed by R NIRALA

Conviction	Sentence
u/S 458 of IPC	RI for 4 years and fine of Rs.1,000/- and in default of payment of fine, additional RI for 6 months.
u/S 307 of IPC	RI for 4 years and fine of Rs.1,000/- and in default of payment of fine, additional RI for 6 months.

Both the sentences have been directed to run concurrently.

2. The case of the prosecution, in brief, is that on 4.07.2020, the complainant Sonkunwar Jangde lodged a report at the Police Station Patewa alleging therein that when her son Chandrahas was sleeping in the house along with his grandfather Baisakhu, whereas she was sleeping in another house, in the midnight at 2 am, her father-in-law Baisakhu got her awaken and told that some unknown person assaulted Chandrahas by a hard object, as such he is bloodstained, thereafter she immediately dialed 112 and gave information and she also informed the villagers about the incident and the victim was admitted in the hospital. Upon the report of the complainant, an FIR bearing Crime No.129/2020 was registered against the unknown person for the offence under Sections 457 & 323 of IPC. During investigation, statement of the victim Chandrahas was recorded and memorandum statement of the accused/appellant was also recorded and based on the same, an iron rod and a mobile phone were seized from the appellant. After completion of investigation, charge sheet was

filed before the learned Judicial Magistrate First Class, Mahasamund for the offence under Sections 307 & 458 of IPC.

3. The learned Trial Court framed charges against the appellant for the offence under Sections 458 & 307 of IPC. The statement of the accused/appellant under Section 313 of CrPC was also recorded, in which he abjured the guilt and denied the circumstances appearing against him and claimed trial.

4. In order to bring home the charges, the prosecution examined 13 witnesses and exhibited 33 documents in its support, whereas the appellant did not examine any witness in his defence.

5. The learned Trial Court after appreciating the evidence available on record convicted and sentenced the appellant, as mentioned in opening paragraph of this judgment.

6. At the outset, learned counsel for the appellant would submit that he does not want to press this appeal with regard to conviction part of the impugned judgment against the appellant, rather he would confine his arguments only to the sentence part. He further submits that the appellant remained in jail from the date of his arrest i.e. 25.08.2020 to 17.12.2020 and thereafter from the date of the judgment passed by the learned Trial Court i.e. 30.10.2025 to till date, as such the appellant has remained in jail for more than 15 months. The incident took place in the year 2020 and at that time the appellant was a young boy, aged about 21 years only. Therefore, it is prayed that the sentence awarded to the

appellant may kindly be reduced to the period already undergone by him.

7. On the contrary, learned State counsel supports the impugned judgment and submits that the learned Trial Court after properly appreciating the evidence available on record has rightly convicted and sentenced the appellant, as such no interference is called for by this Court.

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

9. Though, learned counsel for the appellant is not pressing the instant appeal on the conviction part of the judgment, however upon perusal of the statements of prosecution witnesses, particularly the victim Chandrahas (PW-2), who has specifically stated in his deposition that the appellant is the person who assaulted him by means of axe, therefore, he sustained injuries on his jaw and his two teeth were broken. He has also stated that he had seen the appellant running from the spot. The aforesaid fact has also been supported by his grandfather Baisakhu (PW-4), who was sleeping beside the room of the victim. The injuries sustained to the victim also get support from deposition of Dr. Sandeep Koreti (PW-5), Dr. Anand Nikunj (PW-9), Dr. Vishal Kumar Jain (PW-10) and Dr. Vikas Chandrakar (PW-12) as well as CT scan report (Ex-P/29) and MLC report (Ex-P/31).

Therefore, this Court finds that the learned Trial Court upon proper appreciation of the evidence available on record has rightly held the appellant guilty of the aforesaid offence. The finding of guilt recorded by the learned Trial Court is well supported by the evidence available on record and calls for no interference by this Court. Accordingly, the conviction of the appellant for the aforesaid offence is hereby affirmed.

10. Insofar as the sentence part of the appellant is concerned, it is apparent that the incident took place in the year 2020 and at that time the appellant was a young boy, aged about 21 years only and he has already undergone more than 15 months of the jail sentence, whereas the appellant has been sentenced to the maximum period of 4 years, therefore, 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 offence is reduced to the period already undergone by him. It is ordered accordingly.

11. In the result, the criminal appeal is partly allowed. The conviction of the appellant recorded by the learned Trial Court is maintained; however the jail sentence imposed upon him is reduced to the period already undergone by him (from 25.08.2020 to 17.12.2020 and thereafter from 30.10.2025 to till date). The sentence of fine imposed by the learned Trial Court is

also maintained. The impugned judgment stands modified to the above extent.

12. The appellant is reported to be in jail. He be released forthwith, if he is not required to be detained in any other case.

13. Keeping in view the provisions of Section 481 of BNSS 2023, the appellant is directed to furnish a personal bond for a sum of Rs.25,000/- before the Court concerned forthwith, which shall be effective for a period of six months along with an undertaking that in the event of filing of Special Leave Petition against the instant judgment or for grant of leave, the aforesaid appellant on receipt of notice thereof, shall appear before the Hon'ble Supreme Court.

14. Record of the learned Trial Court along with copy of this judgment be sent back immediately to the Trial Court concerned for compliance and necessary action.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Nirala