



2026:CGHC:8948



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1022 of 2016

1 - Vinay Kumar Gupta @ Chhotu S/o Visheshar Kumar Gupta Aged About 26 Years.

2 - Sandeep Gupta S/o Dwarika Prasad Gupta Aged About 28 Years.

Both are R/o Village - Singrauli, Police Station - Janakpur, District - Korea Chhattisgarh.

... Appellants.

versus

State Of Chhattisgarh Through Station House Officer, Police Station - Janakpur, District - Korea Chhattisgarh.

---- Respondent

For Appellants : Mr. Anil Gulati, Advocate.

For Respondent-State : Dr. Surendra Kumar Dewangan, PL

Hon'ble Shri Arvind Kumar Verma, Judge

Judgment on Board

19.02.2026

1. This criminal appeal has been preferred by the appellants against the judgment dated 06.05.2016 passed by learned Special Judge (Scheduled Caste & Scheduled Tribes, Prevention of Atrocities Act, 1989 (for short, 'Act of 1989'),



Baikunthpur, District – Korea, Chhattisgarh, in Special Session Case No.53/2014, whereby appellants stand convicted and sentence as under:

Conviction	Sentence
Under Section 323 of the IPC.	Till rising out of court and fine of Rs.1000/-, in default of payment of fine, 03 months additional Simple Imprisonment.
Under Section 323 of the IPC.	Till rising out of court and fine of Rs.1000/-, in default of payment of fine, 03 months additional Simple Imprisonment.
Under Section 506 of the IPC.	Till rising out of court and fine of Rs.5000/-, in default of payment of fine, 06 months additional Simple Imprisonment.
Under Section 506 of the IPC.	Till rising out of court and fine of Rs.5000/-, in default of payment of fine, 06 months additional Simple Imprisonment.

Both sentence run concurrently

2. The prosecution case, in brief, is this that on 26.09.2014 at about 11.00 A.M., the appellants have abused the victims (Sukvariya and Nanbai) in filthy and derogative languages in the public place in the name of their caste and also inflicted the injuries to them by means of club. Based on report, FIR was registered against the appellants for the alleged offence/crime.



3. On completion of investigation, challan/charge sheet was filed and based upon which, trial Court framed the charge against the appellants.
4. Prosecution in order to prove its case examined total 07 witnesses. However, no evidence was adduced by appellants in their defence. Statement of appellants (accused) were also recorded under Section 313 of CrPC in which they denied all incriminating evidence appearing against them, pleaded innocence and false implication.
5. After hearing learned counsel for the parties and appreciating the evidence available on record, the trial Court vide impugned judgment convicted and sentenced the accused/appellants in the manner as described in Para-1 of this judgment. Hence this appeal.
6. Learned counsel for the appellants submits that the impugned judgment is per se illegal and contrary to the law and facts available on record. Learned trial Court failed to appreciate that there was land dispute between the complainant party and appellants and due to that dispute, the appellants have falsely been implicated in this case. As per prosecution case, the complainant was taking the crops of land of appellants. Complainant-Sukwariya Bai (P.W-1) has admitted in her deposition at para-8 that she had



explained the report reduced in FIR by one neighbour and on the basis of same, she has narrated the date of incident before the Court. Nanbai (P.W-2) has admitted in her cross examination at para-6 that the police has not recorded her statement. There are substantial contradiction and omission in the statements of P.W-1 & P.W-2, which were not considered by the trial Court. Material independent witnesses were not supported the case of prosecution and narrated different story than the story of prosecution. Learned trial Court has convicted the appellants only on the basis of extraneous consideration of documents and evidences produced before it. There are material contradiction and omission in the case diary statements and Court deposition of prosecution witnesses, which cannot be reliable. Prosecution has failed to prove its case beyond all reasonable doubts. As such, impugned judgment deserves to be set-aside.

In alternative, he contended that the appellants have already served about 22 days of jail sentence under Sections 323 & 506 of IPC, however, while giving the benefit of Probation of Offenders Act, hence, it may not be disqualified of conviction of the appellant in their service career.



7. On the other hand, learned counsel for the State supporting the impugned judgment and submits that there are specific evidence available against the appellants of committing the alleged offence. Being so, the impugned judgment is strictly in accordance with law and the present appeal is liable to be dismissed.
8. Heard learned counsel for the parties, perused the record including the impugned judgment.
9. For ready reference, relevant provisions of Sections of the Probation of the Offenders Act, 1958 reads as under:

“4. Power of Court to release certain offenders on probation of good conduct. (1)

When any person is found guilty of having committed an offence not punishable with death or imprisonment for life and the Court by which the person is found guilty is of opinion that, having regard to the circumstances of the case including the nature of the offence and the character of the offender, it is expedient to release him on probation of good conduct, then, notwithstanding anything contained in any other law for the time being in force, the Court may, instead of sentencing him at once to any punishment direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period not exceeding three years, as the Court may direct, and in the meantime to keep the peace and be of good behaviour.

Section 12. Removal of disqualification attaching to conviction. -- Notwithstanding anything contained in any other law, a person



found guilty of an offence and dealt with under the provisions of section 3 or section 4 shall not suffer disqualification, if any, attaching to a conviction of an offence under such law:

Provided that nothing in this section shall apply to a person who, after his release under section 4, is subsequently sentenced for the original offence.

10. Perusal of impugned judgment reveals that the trial Court after elaborately considering evidence of each individual material witness, has observed that prosecution has proved its case beyond reasonable doubt against appellant herein and that being the position, this Court is the opinion that the trial Court has not committed any mistake in arriving at a conclusion that appellant is guilty for the aforementioned offence/crime.
11. As regards the quantum of sentence and imposition of fine amount, considering facts of the case, nature of allegation, submissions of counsel for the parties, the fact that incident in question took place between the parties with regard to crops and there was land dispute between the complainant party and appellants, injury caused to the victims are simple in nature, particularly that the appellants are not having any previous criminal antecedents and having good character, further considering that the appellants have already served about 22 days of jail sentence under Sections 323 & 506 of IPC, this Court is the considered view that the case is fit for



granting benefit under the Probation of Offenders Act, 1958.

12. Accordingly, conviction of appellants is hereby affirmed, however, sentence and fine amount awarded to the appellants by the trial Court are hereby set-aside. It is directed that appellants be released on probation under Section 4 of the Probation of Offenders Act, 1958 on their furnishing the personal bond of Rs.10,000/- each for the period of 06 months from the date of judgment. The appellants shall maintain the peace and be of good behaviour.

13. However, it is made clear that the appellants shall not suffer any disqualification in their service career on account of their conviction under Section 323 of IPC as provided under Section 12 of the Probation of the Offenders Act, 1958.

14. In the result, the appeal is allowed in part indicated herein above.

15. The record of the trial Court along with copy of this judgment be sent back immediately to the trial Court concerned for compliance and necessary action.

Sd/-
(Arvind Kumar Verma)
JUDGE

J/-