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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 173 of 2026

1 - Shivbaran Chakradhari S/o Nanku Aged About 55 Years R/o Chote Bakharipara, Rakeli, Police Station- Darima, District- Surguja, C.G.

2 - Santosh Kumar Chakradhari S/o Shivbaran Chakradhari Aged About 27 Years R/o Chote Bakharipara, Rakeli, Police Station- Darima, District- Surguja, C.G.

... **Appellants**

versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Ajak Ambikapur, District- Surguja, C.G.

... **Respondent**

For Appellants : Shri Chandrikaditya Pandey, Advocate

For Respondent/State : Ms. Priya Sharma, P.L.

(HON'BLE SHRI JUSTICE RADHAKISHAN AGRAWAL)

Judgment on Board

23/04/2026

Heard.

1. The instant appeal filed under Section 14A(1) of the Schedule Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the Act, 1989) is directed against the judgment of conviction and order of sentence dated 22.12.2025 passed by the Special Judge (Atrocities), Surguja, Ambikapur (C.G.) in Special Sessions (Atrocities) Case No.44/2021 whereby the learned Special Judge convicted the appellants under Section 325/34 of IPC and sentenced them to undergo RI for 1 year with fine of Rs.5,000/- and in



default thereof, the appellants shall suffer additional RI for one month each, while acquitting them of the charge under Sections 294, 506 Part-II, IPC and Sections 3(1)(द), 3(1)(ख), 3(2)(व-क) & 3(2)(व-क) of the Act, 1989.

2. Case of the prosecution, in brief, is that on 14.07.2021 at about 5.00 pm, the complainant – Karamu Ram's elder son Satyanarayana (P.W.9) was carrying goods to Chhotu Provisions Shop in Pawale village and at that time, due to an old land dispute, the accused/appellants abused him with obscene language and thereafter assaulted him with fists and crowbars while threatening to kill him. On report being lodged to the above effect by the complainant (P.W.8), offence under Sections 294, 506-B, 325/34 IPC and under Sections 3(1)(द), 3(1)(ख), 3(2)(व-क) & 3(2)(व-क) of the Act, 1989 under Crime No.22/2021 has been registered at Police Station Ajak Ambikapur, District Surguja against the appellants.
3. After completion of investigation, charge sheet was filed before the Special Judge (Atrocities Act), Ambikapur against the appellants, who abjured the charge and pleaded non-guilty.
4. The learned Special Judge under Atrocities Act, after appreciation of oral and documentary evidence, convicted and sentenced the appellants under Section 325/34 of IPC while acquitting them of the other charges, as mentioned in opening paragraph. Hence, this appeal by the present appellants.
5. Learned counsel for the appellants submits that he is not challenging the conviction of the accused/appellants under the aforesaid Section, but confined his argument to sentence part, which according to him is on higher side. He further submits that on account of old land dispute,



a quarrel ensued between the appellants and the complainant's son, which is trivial in nature. He further submits that the appellants have not caused any grievous injury on vital part of the body of complainant's son and caused injury on the leg of injured person Satyanarayana (P.W.9). He further submits that the appellants were in jail from 28.07.2021 to 04.08.2021 and thus incarcerated jail sentence for a period of 8 days and during trial also they were on bail and they never misused the liberty granted by the concerned Court, they have no criminal antecedents and that, the appellant Shivbaran is now at present aged about 60 years whereas the accused Santosh is an young man and the dispute arose with regard to boundary of adjoining land of the appellants and the injured person (P.W.9). On these premises, he urged that the jail sentence awarded to the appellants may be reduced to the period already undergone by them.

6. On the contrary, learned State Counsel opposes the submissions of the learned counsel for the appellants and submits that the learned Special Judge, after appreciating the overall evidence on record, has rightly convicted and sentenced the appellants, which does not call for interference.
7. I have heard learned counsel appearing on behalf of the parties and perused the record.
8. Considering the statement of injured person Satyanarayana (P.W.9) supported by the statement of complainant Karmu (P.W.8), father of injured person coupled with the medical evidence of Dr. O.P.Prasad (P.W.3) and the other evidence and material available on record, this Court is of the opinion that the finding of conviction recorded by the learned Special Judge being based on the evidence available on



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record is a correct finding and I hereby affirm the said finding.

9. As regards the sentence part, considering the facts and circumstances of the case and also considering the fact that the appellants have undergone jail sentence of 8 days and there are no criminal antecedents against them and that the appellant Shivbaran is now at present aged about 60 years whereas the accused Santosh is a young man and looking to dispute being trivial in nature, I am of the view that ends of justice would be met if, while upholding the conviction imposed upon the appellants, the jail sentence awarded to them is reduced to the period already undergone by them.
10. Consequently, the Criminal Appeal is partly allowed. While maintaining conviction of the appellants under Section 325/34 of IPC, the sentence imposed thereunder by the Special Judge is hereby modified and they are sentenced to the period already undergone by them. However, the fine sentence and default sentence is affirmed.
11. It is reported that the appellants are in jail and they shall be set at liberty forthwith.

Sd/-

(Radhakishan Agrawal)

JUDGE

Anjani