



2026:CGHC:12654

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRA No. 334 of 2016**

Vimlesh Dewanagan S/o Anand Ram Aged About 42 Years Occupation Labour, R/o Village Ragda, Police Out Post Basdei, P.S. Surajpur, District Surajpur, Civil And Revenue District Surajpur, Chhattisgarh.

**... Appellant**

**versus**

The State Of Chhattisgarh Through S.H.O., Aadiwasi Kalyan Thana, Surajpur, District Surajpur, Chhattisgarh.

**---- Respondent**

---

|                      |   |                                 |
|----------------------|---|---------------------------------|
| For Appellant        | : | Mr. Rishikant Mahobia, Advocate |
| For State/Respondent | : | Mr. Rajkumar Sahu, Panel Lawyer |

---

**Hon'ble Shri Justice Arvind Kumar Verma**  
**Judgment On Board**

**17/03/2026**

1. This appeal has been preferred by the appellants being aggrieved by the judgment of conviction and sentence dated 28.01.2026 passed in Special Sessions Case No.36/14 by the Special Judge {Scheduled Castes/Scheduled Tribes (Prevention of Atrocities), Surajpur (C.G.) whereby, the trial Court has convicted the appellant for the offence punishable under Section 325 of IPC, rigorous imprisonment for 02 years with fine amount of Rs.500/-. In default of payment of fine



amount, he shall undergo additional rigorous imprisonment for 02 months.

2. According to the case of prosecution in brief is that Applicant-Digambar Singh and Ahata Vip hail Bai are siblings and members of the Scheduled Tribe of the Gond caste. Victim Vip hal Bai is the accused's wife and resides at her maternal home, the home of her brother, Applicant Digambar Singh, in village Ragda, Baiganpara. On August 11, 2013, accused approached Applicant Digambar Singh's home, hurled obscene caste-related abuses at Applicant Digambar Singh and victim Vip hal Bai, and threatened to kill them before returning home. On August 12, 2013, while victim Vip hal Bai was bathing at a hand pump near her home, the accused again approached the hand pump, hurled obscene caste-related abuses, and assaulted her with a bamboo stick, injuring her right finger. Phulkunwar and Jagnarayan intervened.
3. Based on the written complaint submitted by the applicant, Digambar Singh, a daily diary entry was recorded at the Ajak Police Station, Surajpur, and victim Vip hal Bai was examined by a doctor. After an X-ray examination of victim Vip hal Bai, the doctor reported that she had suffered a fracture of the second metacarpal of the index finger of her left hand. Based on this, a First Information Report was filed against the accused, and an investigation was initiated. A site map of the incident was prepared, the applicant's caste certificate



was seized, statements of the applicant and witnesses were recorded, the bamboo pole used in the incident was seized from the accused.

4. After investigation, a charge sheet was filed against the accused under sections 294, 506-B of the Indian Penal Code, and section 3 (1) (10) of the Act in the court of the Additional Chief Judicial Magistrate, Surajpur, from where the case was transferred to this court.
5. So as to hold the accused/appellant guilty, the prosecution has examined as many as 08 witnesses. The statement of the accused/appellant was also recorded under Section 313 of the Cr.P.C. in which he denied the circumstances appearing against him and pleaded innocence and false implication in the case.
6. Learned counsel appearing on behalf of the appellant submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. He further submits that the incident is of the year 2013 and he is facing the *lis* 2013 and he has undergone 04 days in this case, therefore, it is prayed that the jail sentence awarded to the appellant may be reduced to the period already undergone by him.
7. Per contra, learned counsel for the State/respondent opposes the argument raised by counsel for the appellants, supported the impugned judgment and submits that sentence awarded by the trial Court is just



and proper and requires no interference.

8. I have heard learned counsel appearing for the parties and perused the material available on record with utmost circumspection.
9. Injured – Viphal Bai (PW-2) has stated that the incident took place about 01 year ago. She was at her maternal home at the time of the incident. On the date of the incident, the accused came to her maternal home and was abusing her and her brother Digambar Singh. The accused was using obscene language against her mother and sister. The accused then came to her maternal home again the next morning when she was taking a bath. There was a bucket filled with water kept where she was bathing. The accused dropped it and ran away with the bucket. The accused had beaten her during the night with a stick, due to which she had injuries on her hands and several parts of body.
10. Dr. G.L. Damle (PW-8) who examined the victim has stated that the injured Viphal Bai was brought on 19/8/2013 for examination. After examining the injured Viphal Bai, he found the following injuries on her body:-

Injury No. 1: Pain with swelling was present in the index finger of the left hand of the victim, the size of which was 2 x 3 cm.

Injury No. 2 Ahata was complaining of pain in her left thigh but there was no external injury mark there.



He opined that : Injury No. 1 to the victim appeared to have been caused by a hard, blunt object. He advised the victim to have an X-ray performed on Injury No. 1. Injury No. 2 was minor. The nature of Injury No. 1 can be determined after reviewing the X-ray report. The report he provided is Ex.P.-10.

After examining the X-ray plate, he found that the victim had a fracture of the second metacarpal of the index finger of his left hand. He submitted the above report on 24/8/2013. The fracture did not have callus formation; it was an immediate fracture. X-ray report is Ex.P.-11.

11. Considering the facts and circumstances of the case and statement given by the witnesses and other material available on records, it transpires that the learned trial Court after considering the material available on record and evidence of the prosecution witnesses, convicted the appellant for the aforesaid offence. Considering the material available on record and the evidence adduced by the prosecution, I am of the view that the trial Court did not commit any illegality or infirmity in recording the findings as regards conviction of the appellant in the aforesaid Section.
12. With regard to the sentence part, maximum sentence of the appellants is RI for 02 years. Considering the fact that the date of incident is 12.08.2013. Further, considering the nature of injuries sustained by the injured and also considering that the appellant has



undergone 04 days, I am of the considered opinion that the ends of justice would be met if, while upholding the conviction imposed upon him, the jail sentence awarded to them is reduced to the period already undergone by the appellant and the fine sentence should be enhanced. Ordered accordingly.

13. Consequently, the appeal is **partly allowed**. The conviction of the appellant under Section 325 IPC is affirmed and against the conviction he is sentenced to the period already undergone by him. However, the fine amount is enhanced from Rs.500/- to Rs.2,000/- and the same shall be payable to the victim- Viphal Bai. Accordingly, the appellant is directed to pay the enhanced amount within a period of 45 days from the date of receipt of this order.
14. Let a copy of this order and the original records be transmitted to the trial Court concerned forthwith for necessary information and compliance.

Sd/-

(Arvind Kumar Verma)  
**Judge**