



Digitally signed  
by SHUBHAM  
SINGH  
RAGHUVANSHI  
Date:  
2026.02.28  
16:41:49 +0530



2026:CGHC:10418

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**CRA No. 262 of 2024**

**1** - Ganesh Yadav S/o Bachcha Ram Yadav Aged About 53 Years R/o Gokul Ganj Sitamani, Police Station Kotwali, Korba, District- Korba, Chhattisgarh.

**2** - Rinku Yadav S/o Ganesh Ram Yadav Aged About 20 Years R/o Gokul Ganj Sitamani, Police Station Kotwali, Korba, District- Korba, Chhattisgarh.

**3** - Nitesh Yadav S/o Ganesh Ram Yadav Aged About 26 Years R/o Gokul Ganj Sitamani, Police Station Kotwali, Korba, District- Korba, Chhattisgarh.

**... Appellants**

**versus**

State Of Chhattisgarh Through Police Station Kotwali, Korba, District- Korba, Chhattisgarh.

**... Respondent**

(Cause-title is taken from CIS)

---

For Appellants : Mr. Shalvik Tiwari, Advocate

For Respondent/State : Mr. Amit Verma, Panel Lawyer

---

**Hon'ble Shri Justice Sanjay Kumar Jaiswal**

**Judgment on Board**

**27.02.2026**

1. This appeal under Section 374 (2) of Cr.P.C has been preferred challenging the impugned judgment of conviction and order of sentence dated 12.01.2024 passed by learned Additional Sessions Judge (FTC), Korba, District Korba (C.G.), whereby the appellants have been convicted as under:-

| <u>Conviction</u>           | <u>Sentence</u>                                                                                                      |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------|
| Under Section 307/34 of IPC | 10-10 years rigorous imprisonment and fine of Rs.2000-2000/-, in default of payment of fine, additional 3 months' RI |

2. The case of the prosecution in brief is that the complainant, Parvati God, lodged a written complaint against the accused persons stating that on 25.08.2022 at around 9:00 pm, co-accused Ramaiya, and the appellants herein had assaulted her son, Pintu God, with swords, rods, and sticks, causing serious head injuries. Her son had fallen to the ground due to the injuries. She received information about the incident from Chiki Pande Sahu through a phone call. Upon reaching the scene, they found her son lying in a pool of blood and took him to Korba Police Station and later to District Hospital, Korba. Based on above, FIR has been registered against the Appellants. The investigating officer seized various items from the accused persons vide seizure memos (Exhibit P-3, P-5, P-7, and P-13). Statements of witnesses and the injured were recorded. The accused persons were arrested vide arrest memos (Exhibit P-8, P-9, P-10, and P-11). A spot map (Exhibit P-1) was prepared. After completion of investigation, charge sheet was filed against the appellant.
3. During the course of trial, in order to bring home the offence, prosecution examined as many as 9 witnesses and exhibited 26 documents in support of its case. The statement of the appellants / accused were also recorded under Section 313 of Cr.P.C. in which they denied the circumstances appearing against them in the evidence brought on record by the prosecution, pleaded innocence and false implication.
4. Learned trial Court, after appreciation of oral and documentary

evidence on record, acquitted co-accused Ramaiya Yadav for offence U/s 294, 506 Part II and 307/34 of IPC also acquitted Appellant Nitesh Yadav for offence U/s 294 & 506 Part II of IPC. However, convicted and sentenced the appellants herein as mentioned in the opening paragraph of this judgment, against which the present appeal has been preferred by the appellants questioning the legality, validity and correctness of the impugned judgment.

5. Learned counsel for the appellants submits that he does not want to press this appeal on merits and confines his argument only on sentence part. He submits that appellant No.1 is the father of appellants no.2 & 3. There was also a counter FIR against the complainants' party on the same date. Out of 10 years of jail sentence, the appellants have already remained in jail for about 2 years, 7 months and 1 day. The incident took place in the year 2022 and since then the appellants are facing the *lis*. Hence, by considering all these aspects, the sentence of the appellants may be reduced to the period already undergone by them in the interest of justice.
6. Per contra, learned counsel appearing for the State, supported the impugned judgment and opposed the arguments advanced on behalf of the Appellants.
7. Heard learned counsel for the parties and perused the record including the impugned judgment.
8. Having gone through the material available on record and the evidence of Dr. Divik H. Mittal (PW-07), his reports Ex.P-14 & Ex.P-20. Dr. Sachin T.R. (PW-9), his report Ex.P-15 and statement of injured Pintu (PW-5), establish the involvement of the Appellants in the crime in question. This Court does not find any illegality or infirmity in the finding recorded by the Trial Court as regards the conviction of the appellants for offence punishable under Section 307/34 of the IPC which is based on evidence available on record and it is hereby affirmed.

9. As regards the sentence, in the matter of **Mohammad Giasuddin v. State of Andhra Pradesh** reported in (1977) 3 SCC 287, Hon'ble Supreme Court has observed that if you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him and, men are not improved by injuries and held in para-9 as follows:

"9. Western jurisprudes and 'sociologists, from their own angle have struck a like note. Sir Samuel Romilly, critical of the brutal penalties in the then Britain, said in 1817:

"The laws of England are written in blood". Alfieri has suggested 'society prepares the crime, the criminal commits it'. George Nicodotis, Director of Criminological Research Centre, Athens, Greece, maintains that 'Crime is the result of the lack of the right kind of education.' It is thus plain that crime is a pathological aberration, that the criminal can ordinarily be redeemed, that the State has to rehabilitate rather than avenge. The sub-culture that leads to anti-social behaviour has to be countered not by undue cruelty but by re-culturisation. Therefore, the focus of interest in penology is the individual, and goal is salvaging him for society. The infliction of harsh and savage punishment is thus a relic of past and regressive times. The human today views sentencing as a process of reshaping a person who has deteriorated into criminality and the modern community has a primary stake in the rehabilitation of the offender as a means of social defense. We, therefore consider a therapeutic, rather than an in 'terrorem' outlook, should prevail in our criminal courts, since brutal incarceration of the person merely produces laceration of his mind. In the words of George Bernard Shaw: 'If you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him and, men are not improved by injuries'. We may permit ourselves the liberty to quote from Judge Sir Geoffrey Streatfield: 'If you are going to have anything to do with the criminal Courts, you should see for yourself the conditions under which prisoners serve their sentences.'"

10. In the light of the decision of the Hon'ble Supreme Court in the

case of **Mohammad Giasuddin** (supra) and keeping in view the fact that on the same date, a counter case (Crime No.780/2022) at Police Station Kotwali, Korba has also been registered against the injured and others wherein it was alleged that the complainants' party have committed murder of Son of the Appellant No.1 namely Krishna Yadav. The appellants are facing the *lis* since 2022. They have already remained in jail for about 2 years, 7 months and 1 day. Considering all these facts, this Court opines that justice would be served if the appellants' sentence is reduced to the period already undergone by them.

11. Accordingly, the conviction of the appellants for offence under Section 307/34 of the IPC is maintained and the sentence of RI for 10 years is reduced to the period already undergone by them i.e. 2 years, 7 months and 1 day. However, the fine amount and its default stipulation imposed by the trial Court shall remain intact.
12. Consequently, the appeal is **partly allowed** to the extent indicated hereinabove.
13. The appellants are in jail. They be released forthwith if not required to be detained in any other case/s.
14. Let a certified copy of this judgment along with the original record be transmitted forthwith to the trial Court concerned. A copy of this judgment be also sent to the concerned Jail Superintendent where the Appellants are serving their jail sentence, for information and necessary compliance.

**Sd/-**  
**(Sanjay Kumar Jaiswal)**  
**Judge**