



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 419 of 2024

Jitendra Nirmalkar **versus** State Of Chhattisgarh

CRA No. 1310 of 2024

Krishna Bawankar @ Vicky S/o Pradeep Bawankar, Aged About 21 Years R/o Village Near Ram Janaki Temple Rameshwar Nagar Bhanpuri, Police Station Khamhardih, District Raipur (C.G.) **---Appellant(s)**

Versus

State Of Chhattisgarh Through Police Station Khamtarai, District Raipur (C.G.) **--- Respondent(s)**

Order Sheet

22/01/2025	None present for the appellant in CrA No.419/2024. Mr. SP Sannat, counsel for appellant in CrA No.1310/2024. Mr. Keshav Prasad Gupta, Govt. Advocate for the State/ respondent. Heard. Admit. Also heard on IA No.02/2024, application for suspension of sentence and grant of bail filed on behalf of appellant Krishna Bawankar @ Vicky in CrA No.1310/2024. By the impugned judgment of conviction and order of sentence dated 29.01.2024 passed by the Ninth Upper Sessions Judge, Raipur (CG) in Session Case No.94/2023, the appellant has been convicted and sentenced as under:- <table><tr><th>Conviction u/s.</th><th>Sentence</th><th>Fine</th><th>Default</th></tr><tr><td>307 (three counts) read with Section 34 IPC</td><td>RI for 07 years months</td><td>Rs.2000/-</td><td>RI for 01 year</td></tr></table>	Conviction u/s.	Sentence	Fine	Default	307 (three counts) read with Section 34 IPC	RI for 07 years months	Rs.2000/-	RI for 01 year
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307 (three counts) read with Section 34 IPC	RI for 07 years months	Rs.2000/-	RI for 01 year						

25(1B)(b) of Arms Act	RI for 03 years	Rs.2000/-	RI for 06 months
27(1) of Arms Act	RI for 05 years	Rs.2000/-	RI for 01 year

All the above sentences were directed to run concurrently.

Learned counsel for the appellant submits that injury sustained to the victims has not been proved to be dangerous to their life. He would further submit that the appellant is in jail since his arrest, i.e. 22.12.2022 and he has a good case to get success in this appeal, hence, it is prayed that application for suspension of sentence may be allowed and sentence may be suspended till disposal of this appeal.

On the other hand, learned counsel for the State raised strong objection on the submission made by learned counsel for the appellant and would submit that the victims had been brutally assaulted by the appellant and the doctor has clearly opined that the injuries sustained to the victims were of serious in nature, hence, the bail application is liable to be dismissed.

I have heard learned counsel for the parties and perused the record carefully.

Having considered the injury caused by the appellant to the victims and further considering the evidence of victims namely Vimal Kumar Talmale (PW-2), Dadu Sahu (PW-3) and Nitesh Talmale (PW-4), this Court is of the considered opinion that this is not a fit case to suspend jail sentences imposed upon the appellant. Hence, IA No.02/2024 is rejected.

List these cases for final hearing in the month of February 2025.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Bini