

**HIGH COURT OF CHHATTISGARH, BILASPUR**

Order Sheet

I.A. No. 1 of 2023***In Re:*****CRA No. 452 of 2023**

- Mahatma Yadav S/o Jangali Yadav Aged About 33 Years R/o Village Hariharpur, Police Station Ramchandrapur, District Balrampur- Ramanujganj (Chhattisgarh).

---- Appellant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Ramchandrapur District Balrampur-Ramanujganj (Chhattisgarh).

---- Respondent

(Cause Title taken from Case Information System)

29.08.2023	By the impugned judgment of conviction and order of sentence dated 23.01.2023, passed by the Court of learned 1 st Additional District and Sessions Judge, Ramanujganj, District- Balrampur-Ramanujganj (C.G.) in S. T. Case No. 102/2020 has convicted the appellant for the offence punishable under Sections 302 of Indian Penal Code (for short IPC) and sentenced to undergo rigorous imprisonment for life and fine amount of Rs. 500/-, in default of fine 30 days additional R. I.



Heard Mr. Shailendra Dubey, and Ms. Shivali Dubey, learned counsel for the appellant and Mr. Waseem Miyan, Panel Lawyer appearing for the State/respondent on the application for suspension of sentence and grant of bail (IA No. 1 of 2023).

Brief facts of the case is that on 03.03.2020, the daughter of the deceased namely- Smt. Anita Yadav (PW-1) lodged a written complaint wherein it has been stated that on the date of incident, she was painting the house of her mother and father, at that time the appellant came in his pick-up vehicle and started abusing them regarding putting wood inside the house, hearing the noise the father of the complainant came and interrupted the appellant due to which the appellant stumbled the deceased through his vehicle and climbed over her father due to which, he got injuries and during treatment at hospital, he succumbed to the said injuries.

Learned counsel for the convict/appellant submits that the appellant is falsely implicated in this case. He submits that Kumari Rinki Yadav (PW-2) has supported the prosecution case, in her statement before the trial Court stated that there was a dispute regarding keeping wood inside the house and it was the applicant who crushed the deceased under his pick-up vehicle, as a result of which, the appellant sustained injuries and succumbed to these



injuries. He further submits that the appellant is in jail since 04.03.2020 and the appeal is likely to take a couple of years or even more for its final disposal, hence he prays that the appellant be enlarged on bail.

The learned Panel Lawyer appearing for the State/respondent has objected the bail application and submits that a quarrel took place between the appellant and the deceased due to which, the appellant crushed the deceased by his vehicle pick-up. He also submits that Dr. Sharad Kumar Gupta (P.W.-12) conducted the postmortem and found several injuries over the body of the deceased and the injuries were antimortem in nature and he opined that the cause of death is Neurogenic shock and traumatic brain injury. Therefore, the learned Trial Court after appreciating the evidence on record and after examining the cross-examination of the witnesses, came to the conclusion regarding guilty of the accused, is just and proper.

We have heard learned counsel for the parties and perused the records of the Court below.

Considering the fact that a quarrel took place between the appellant and the deceased and there is eyewitness to the case i.e. Kumari Rinki Yadav (PW-2) and also considering the postmortem



report wherein the Doctor opined that the cause of death is Neurogenic shock and traumatic brain injury, we deem it appropriate to reject the application for suspension of sentence and grant of bail at this stage.

Accordingly, IA No. 1 of 2023 stands disposed of.

It transpires from the record that the matter is ripe for final hearing.

Let the matters be listed for final hearing.

Sd/-

(N. K. Chandravanshi)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice