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2026:CGHC:10292

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 552 of 2025**

Rahul Boye @ Jangali S/o Santosh Boye Aged About 20 Years R/o B.S.U.P. Colony,  
Amalidih, P.S. New Rajendra Nagar, Raipur, District Raipur Chhattisgarh.

**... Appellant****versus**

State of Chhattisgarh through Station House Officer, Police Station New Rajendra  
Nagar, Raipur, District- Raipur (C.G.)

**... Respondent**

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|-------------------|---|---------------------------------------|
| For the appellant | : | Mr. Virendra Kumar Janardan, Advocate |
| For the State     | : | Mr. Amit Verma, Panel Lawyer          |

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**(Hon'ble Shri Justice Sanjay Kumar Jaiswal)****Judgment on Board****27.02.2026**

1. The present criminal appeal under Section 415(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 has been preferred by appellant against the judgment of conviction and order of sentence dated 22.08.2024 passed by the learned Sessions Judge Raipur, District Raipur (C.G) in Sessions Case No. 131/2022. whereby the appellant has been convicted and sentenced as under:

| <b>Conviction</b> | <b>:</b> | <b>Sentence</b>                                                                                  |
|-------------------|----------|--------------------------------------------------------------------------------------------------|
| U/s 307 of IPC    |          | RI for 5 years and fine of Rs.1000/-, in default of payment of fine, additional RI for 3 months. |

2. The case of prosecution, in brief, is that on 23.02.2022 complainant Kishan Kshatriya had gone to the house of his maternal grandmother in Amlidih to attend the marriage. At around 9.00 pm., accused Rahul Boye came there and started arguing with the complainant due to old enmity and with the intention of killing the complainant, the accused assaulted him with a knife on the left side of abdomen. The complainant immediately ran away to save his life. At that time, marriage was taking place in Amlidih where witnesses Vibhar, Vicky Nayak and Prashant Baghel were also present and they witnessed the incident. Complainant was admitted in Medical College Hospital, Raipur. After completing the investigation and complying with other procedural requirements, the charge sheet was filed.

3. The prosecution has in all examined 12 witnesses and exhibited 17 documents to prove its case. The accused was examined under Section 313 CrPC wherein he pleaded innocence. After conclusion of trial and considering the evidence of prosecution witnesses and material available on record, learned Trial Court by impugned judgment, convicted and sentenced the appellant(s) as mentioned above.

4. At this stage, learned counsel for the appellant submits that he does not want to press this appeal on merits and confines her argument only to sentence part. He also submits that out of the maximum jail sentence of 5 years imposed on him u/s 307 IPC for causing injury to P.W.1 Kishan Kshatri, till now he had already remained in jail for about 4 years and 3 days while undergoing the sentence. He submits that the incident took place in 2022 since then the appellant is facing the *lis* and at the time of incident, the appellant was an young boy of 20 years. He further submits that there are no criminal antecedents reported against him. Hence, it is prayed that the sentence of the appellant under section 307 IPC may be reduced to the period already undergone by him in the interest of justice.

5. Per contra, learned State Counsel supports the impugned judgment and opposes the arguments advanced on behalf of the Appellant. He submits that the appellant had inflicted a fatal injury on the complainant with a sharp edged knife and the said knife was seized from the appellant.

6. I have heard learned counsel for the parties and have also perused the material available on record including the impugned judgment.

7. Having gone through the material available on record and the statements of witnesses especially complainant/injured P.W.1 Kishan Kshatri which stood firm by the medical evidence of Dr. Amit Agrawal (P.W.11) and Dr. Dev Kumar Tandon (P.W.12) as also the medical report (Ex.P-17) which shows that the appellant has assaulted the complainant with a sharp edged knife due to which he suffered an incised injury on his left side of abdomen measuring 3cm x 1 cm, this Court does not find any illegality or infirmity in the findings recorded by the trial Court as regards the conviction of the appellant for the offence punishable u/s 307 of IPC and it is hereby affirmed.

8. As regards the sentence, keeping in view the fact that the maximum sentence awarded to him is RI for 5 years, out of which, till now he has already remained in jail for about 4 years and 3 days and is facing the *lis* since 2022 and as per the Arrest Memo (Ex.P-9), no criminal antecedents are reported against him, in the interest of justice and in considered opinion of this Court, it would be appropriate to reduce the sentence of the appellant from 5 years RI to the period already undergone by him i.e. 4 years & 3 days for the offence punishable under Section 307 IPC.

9. Accordingly, while maintaining the appellants' conviction and sentence for offence under Section 307 IPC the sentence awarded to him is hereby reduced to the period already undergone. However, the sentence of fine as imposed by the trial Court shall remain intact.

**10.** In the result, the appeal is **allowed in part** to the extent indicated above.

**11.** Appellant is in jail. He shall be released from jail forthwith if he is not required in any other offence.

**12.** Let a certified copy of this judgment along with the original record be transmitted to the trial Court and the concerned Jail Superintendent forthwith for information and necessary action.

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