



2026:CGHC:4101-DB

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

In Re : I.A. No. 1/2023.

CRA No. 810 of 2023

- Rajendra Kumar Sidar S/o Sethuram Sidar Aged About 28 Years
R/o Village Chikhalraunda , Police Station - Jaijaipur, District :
Janjgir-Champa, Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through The Station House Officer,
Police Station - Dabhra, District Janjgir-Champa (Now District
Sakti) Chhattisgarh.

---- Respondent

12-9-2023	Appellant has preferred this criminal appeal being aggrieved by the impugned judgment of conviction and order of sentence dated 10-3-2023 passed by 1st Additional Sessions Judge, Sakti, District Janjgir-Champa in Sessions Trial No. 20/2021, whereby the appellant has been convicted and sentenced as under :- <table><tr><th>Section</th><th>Jail sentence</th><th>Fine sentence</th><th>Default stipulation</th></tr><tr><td>302, IPC</td><td>Life imprisonment</td><td>Rs. 2000/-</td><td>6 months RI</td></tr><tr><td>450, IPC</td><td>RI for 5 years</td><td>Rs. 1000/-</td><td>3 months RI</td></tr></table> Heard Mr. Kamlesh Kumar Pandey, learned counsel for the appellant and Mr. Gagan Tiwari, learned Deputy Gov. Advocate, appearing for the State / respondent on the instant application for suspension of sentence	Section	Jail sentence	Fine sentence	Default stipulation	302, IPC	Life imprisonment	Rs. 2000/-	6 months RI	450, IPC	RI for 5 years	Rs. 1000/-	3 months RI
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302, IPC	Life imprisonment	Rs. 2000/-	6 months RI										
450, IPC	RI for 5 years	Rs. 1000/-	3 months RI										



and grant of bail (IA No. 1/2023).

Learned Counsel for the appellant has argued that the appellant has been falsely implicated in the present case. It is submitted that the deceased was having relation with the wife of appellant, on account of which, the appellant committed murder of the deceased. It is stated that though there are eye-witnesses Pilibai (P.W. 1), who is mother of deceased, Ku. Himadri Patel (P.W. 2) and Nutan Kumar Patel (P.W. 9) who are daughter and son of the deceased respectively, but their presence at the place of occurrence is doubtful and they have not seen the incident. It is submitted that the appellant is in jail since 4-5-2021 and the appeal is likely to take a couple of years or even more in its final disposal. Hence he prays that the appellant be enlarged on bail.

Mr. Gagan Tiwari, learned Dy. Govt. Advocate appearing for the State opposes the prayer for grant of bail. It is submitted that appellant suspected that deceased had illicit relation with his wife, on account of which, he committed murder of the deceased at 4.00 pm in his house and the eye-witnesses, P.W. 1, P.W. 2 and P.W. 9 who are mother, daughter and son of the deceased respectively, have seen the incident and their presence at the place of occurrence cannot be doubted. Medical evidence also supports the prosecution case. Therefore, the application for



suspension of sentence and grant of bail may be rejected.

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

Considering the material available on record, considering the fact that the appellant suspected that the deceased had illicit relation with his wife and therefore, he committed murder of the deceased in his house and there are eye-witnesses Pilibai (P.W. 1), who is mother of deceased, Ku. Himadri Patel (P.W. 2) and Nutan Kumar Patel (P.W. 9) who are daughter and son of the deceased respectively, they have seen the incident and have deposed against the appellant and the knife used for commission of crime has been seized from the appellant vide seizure memo Ex. P-9, and as per PM report Ex. P-26, nature of death of deceased is homicidal, at this stage, we deem it appropriate to reject the application for suspension of sentence and grant of bail.

Accordingly, IA No. 1/2023 stands rejected.

Let the matter be listed for final hearing.

Sd/-

(N.K. Chandravanshi)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice