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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 799 of 2024

Purushottam @ Puru S/o Roshan Dhruw Aged About 32 Years R/o
Dipopara, Atal Awas, Sorid, Dhamtari, Police Station City Kotwali, District
Dhamtari (C.G.) ... **Appellant**

versus

The State of Chhattisgarh *through* Station House Officer, Police Station
Dhamtari, District Dhamtari (C.G.) ... **Respondent**

For the appellant	:	Mr. Sanjeev Kumar Sahu, Advocate
For the State	:	Mr. Vivek Sharma, Panel Lawyer

Hon’ble Shri Justice Sanjay Kumar Jaiswal)

Order/Judgment on Board

26.02.2026

1. The present criminal appeal under Section 374(2) of the Criminal Procedure Code 1973 has been preferred by appellant against the judgment of conviction and order of sentence dated 07.03.2024 passed by the learned Additional Sessions Judge (FTC),

Dhamtari District Dhamtari in Sessions Trial No. 31/2023 whereby the appellant has been convicted and sentenced as under:

Conviction	:	Sentence
U/s 307 IPC		RI for 10 years with fine of Rs.2000/-, in default of payment of fine, additional RI for 1 year
U/ 324 IPC		RI for 3 years with fine of Rs.300/-, in default of payment of fine, additional RI for 1 month
U/s 327 IPC		RI for 10 years with fine of Rs.2000/-, in default of payment of fine, additional RI for 1 year
U/s 25 & 27 of the Arms Act		RI for 5years with fine of Rs.300/-, in default of payment of fine, additional RI for 1 month

2. The case of prosecution, in brief, is that on 25.09.2022, complainant/injured Deo Singh Netam lodged a report in P.S. Dhamtari to the effect that on 24.09.2022 at about 7 p.m., in front of a liquor shop at Dhamtari, appellant Purushottam @ Puru picked a quarrel with complainant for not providing liquor or money, abused the complainant and assaulted him with a sharp edged steel knife on the left side of his stomach. At that time when Vishram Yadav tried to intervene, the appellant further assaulted him near his genitals (testicles). On the basis of such report, the crime was registered and during investigation the statements of injured witnesses were recorded and after complying with the procedural formalities, the charge sheet was filed.

3. The prosecution has in all examined 9 witnesses and exhibited 34 documents to prove its case. The accused was examined under Section 313 CrPC wherein he abjured the guilt and pleaded false implication. 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 appellants, as mentioned above.

4. At this stage, learned counsel for the appellants submits that he does not challenge the finding of conviction but since the occurrence is related to the year 2022; the injuries caused to victim Vishram Yadav is relating to the offence punishable u/s 307, 324 327 of IPC and section 25 & 27 of the Arms Act and he is in jail since 25.09.2022 and looking to the fact that there are no criminal antecedents against the appellant who is a labour, he prays that the sentences awarded to the appellant for the aforesaid offences may be reduced to the period already undergone by him.

5. Per contra, learned State Counsel supports the impugned judgment and opposes the arguments advanced on behalf of the Appellant. He submits that a sharp edged steel knife was seized from the appellant. He submits that the medical reports clearly go to show that the injuries sustained by the injured Vishram Yadav (P.W.3) simple in nature whereas the injury sustained by complainant Deo Singh are grievous in nature.

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

7. It reflects from the record that during trial the examination of Injured Deo Singh Netam could not be done as he had died. Learned counsel for the appellant submits that it is shown that the

victim of offence u/s 307 IPC is injured Deo Singh Netam whereas the victim of offence u/s 327 IPC is Vishram Yadav. He submits that the cause of death Deo Singh was not due to the injury caused to him in the present incident.

8. Having gone through the material available on record and the statement of injured witness – Vishram Yadav (P.W.3), as also the evidence of other material witnesses P.W.1 Domeswar Sahu, P.W.2 Rajkumar Yadav, P.W.5 Manram Chandrawanshi (Head-Constable), and P.W.8 Tikaram Sahu (Asst. Sub Inspector), which all further stood firm by the evidence of Dr. Smit Kumar (P.W.7) and other medical reports Ex. P-17, P-18, P-19, P-20 of injured Deo Singh and Ex.P-21, P-22 & P-23 of injured Vishram Yadav, this Court does not find any illegality or infirmity in the findings recorded by the trial Court as regards the conviction and sentence of the appellant for the offence punishable 307, 324, 327 of IPC & 25, 27 of the Arms Act and it is hereby affirmed.

9. In **Mohammad Giasuddin v. State of Andhra Pradesh (1977) 3 SCC 287**, Hon'ble Supreme Court held that the sentencing should be rehabilitative rather than merely retributive. The Court while emphasizing the reformatory approach has expounded the words expressed by 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. Para-9 of the said judgment is quoted below :

“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. Applying the analogy laid down in **Mohammad Giasuddin** (supra) and keeping in view the fact that the maximum sentence imposed upon the appellant is 10 years u/s 307 & 327 IPC and the appellant is in jail since 24.09.2022 and as per the Arrest Memo (Ex.P.7), there are no criminal antecedents against him and he is a daily wager, thus looking to the over-all circumstances it will be just and proper if the sentences awarded u/s 307, 327 & 25, 27 of the Arms Act is reduced to 4 years RI. Accordingly, the conviction u/s 307, 324, 327 & 25, 27 of the Arms Act is maintained and the

sentence imposed under these sections is reduced to 4 years. However, the sentence of fine imposed by the trial Court shall remain intact.

11. In the result, the appeal is **allowed in part** to the extent indicated here-in-above.

12. The appellant is in jail since 25.9.2022. His period of custody will be set off against the 4-year sentence.

13. Let a certified copy of this order along with the original record be transmitted to the concerned trial Court forthwith for information and necessary action. A copy of this judgment be also sent to the concerned Superintendent of Jail where the appellant is undergoing jail sentence.

Sd/-

(Sanjay Kumar Jaiswal)
Judge

Rao