



2025:CGHC:39046-DB

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

I.A. No. 2 of 2023**In Re :****CRA No. 1171 of 2023**

Harish Ganjir, S/o Udhoram Ganjir, aged about 41 years, R/o Sakin Ward No. 13, Gunderdehi Police Station Gunderdehi, Distt. Balod, Chhattisgarh

---- Appellant
(In jail)

Versus

State of Chhattisgarh through Police Station Gundardehi, Distt. Balod Chhattisgarh

---- Respondent

(Cause-title taken from Case Information System)

11/09/2023	By the impugned judgment of conviction and order of sentence dated 08.02.2023, the learned First Upper Sessions Judge, Balod, District Balod (C.G.) in Sessions Trial No. 8/2019, has convicted and sentenced the appellant in following manner :- <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>Under Section 302 IPC for the murder of deceased Udhoram</td><td>Life imprisonment with fine of Rs.1,000/-, in default of payment of fine, to further undergo RI for one month</td></tr><tr><td>Under Section 302 of the IPC for the murder of Sushila Bai</td><td>Rigorous imprisonment for life with fine of Rs.1,000/-, in default of payment of fine, to further undergo rigorous imprisonment for one month</td></tr><tr><td>Under Section 201 of the IPC</td><td>Rigorous imprisonment for seven years with fine of Rs.500/-, in</td></tr></table>	Conviction	Sentence	Under Section 302 IPC for the murder of deceased Udhoram	Life imprisonment with fine of Rs.1,000/-, in default of payment of fine, to further undergo RI for one month	Under Section 302 of the IPC for the murder of Sushila Bai	Rigorous imprisonment for life with fine of Rs.1,000/-, in default of payment of fine, to further undergo rigorous imprisonment for one month	Under Section 201 of the IPC	Rigorous imprisonment for seven years with fine of Rs.500/-, in
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default of payment of fine to further undergo RI for 15 days.

Heard Mr. Akhilesh Kumar, counsel for the appellant. Also heard Mr. Gagan Tiwari, Dy. Govt. Advocate, appearing for the State/respondent on the application for suspension of sentence and grant of bail (IA No. 2 of 2023).

Learned Counsel for the convict/appellant submits that appellant has been falsely implicated in the crime in question, as he has not committed the alleged crime. He submits that the appellant is in jail since long 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.

Learned counsel for the respondent/State would submit that complainant Ashwani Kumar Sahu lodged an FIR (Ex.P-29) alleging that his younger brother Harish Sahu has informed him that his father has expired and when he came to his house, then he came to know that two days before his parents have fallen down from the stairs and he applied *Malham* on the injuries caused to her parents by falling. But on interrogation, it was found that the present accused/appellant, who was living with his parents, on 16.10.2018 at about 9 O'clock on account of some domestic dispute and head of passion, assaulted his parents by means of



Danda & electric shock, as a result of which his father sustained multiple injuries on his person and succumbed to these injuries on the spot itself whereas her mother has sustained injuries on his wrist & other parts of the body, thereafter she (mother) was admitted in Govt. Hospital, Gunderdehi, from where she was referred to Bheemrao Ambedkar Hospital, Raipur, and there she died on 10.11.2018 during the course of treatment, as such, looking the manner in which the appellant is said to have assaulted his parents by Danda & electric shock, resultantly, his father died on the spot, whereas her mother died during treatment, the appellant is not entitled to be released on bail.

We have heard learned counsel for the parties and perused the material available on record.

Taking into consideration the facts & circumstances of the case, particularly considering the fact that on account of heat of passion appellant is said to have caused injuries to her parents by means of Danda & electric shock, resultantly his father died on the spot whereas her mother died during treatment ; further considering the fact that alleged Danda & electric wire were seized at the instance of the accused appellant, we deem it appropriate to reject the application for suspension of sentence and grant of bail at this stage.



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Accordingly, IA No. 2 of 2023 stands disposed of.

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

Let the matter be listed for final hearing after six weeks.

Sd/-
(N.K. Chandravanshi
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Dubey