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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1367 of 2017

1 - Rajaram Pade S/o Buddharam Pade, Aged About 45 Years R/o Village Binouri, Police Station Palari, District Balodabazar Bhatapara Chhattisgarh., Chhattisgarh

... Appellant

versus

1 - State Of Chhattisgarh Through The Police Station Palari, District Balodabazar Bhatapara Chhattisgarh., Chhattisgarh

... Respondent

(Cause title is taken from CIS)

For Appellant	:	Mr. Suresh Kumar Verma, Advocate
For State /Respondent	:	Mr. Rishi Raj Pithwe, Dy. G.A.

(Hon'ble Shri Justice Arvind Kumar Verma)

Judgment on Board

24/02/2026

1. With the consent of the counsel for both the parties, the matter is heard finally.
2. This criminal appeal has been preferred by appellant under Section 374(2) of the Code of Criminal Procedure, 1973 (for brevity 'Cr.P.C.') challenging the judgment of conviction and order of sentence dated 26.08.2017 passed by the learned Sessions

Judge, Balodabazar, District Balodabazar, Chhattisgarh (henceforth referred to as 'trial Court) in Sessions Trial No.66/2016, whereby the appellant/accused has been convicted for the offence punishable under Section 324 of the Indian Penal Code, 1860 (for short "IPC") and sentenced to undergo RI for 1 year with fine of Rs.3,000/- and in default of payment of fine, 6 months' additional imprisonment.

3. Facts of the case, in brief, are that, on 02.07.2016 at 19:15 Hrs. the complainant, resident of Village Binauri, lodged a report at Palari Police Station stating that on 02.07.2016, he and his wife were sitting at their place since morning. Both the husband and his wife along with other family members and workers were working together when appellant/accused came at around 5:30 p.m. and asked them why are you making curtains and started abusing them. When complainant's wife went to convince the appellant/accused, the appellant/accused, with the intention of killing him, hit complainant's wife with the sharp end of a spade due to which she fell unconscious and then they intervened. Due to the assault, her head started bleeding profusely. Based on the above incident, a First Information Report (in short FIR Ex.P/9) was registered by the complainant against the appellant/accused at Palari Police Station under Crime No. 259/2016 under section 307 of the IPC. A medical examination of the victim, was conducted by the Medical Officer Dr. Wasim (PW-4). A site map of the incident was prepared. During the investigation, the

appellant/accused was taken into custody and a memorandum of his statement was recorded. Based on the information provided by him, a shovel (rapa) was seized from him. After completing the remaining investigation proceedings, a charge sheet was presented before the Court of the Chief Judicial Magistrate, Baloda Bazar in which order dated 25.11.2016 was passed for transfer of case to the Court of Sessions Judge, Balodabazar, District Balodabazar (C.G.). After committal and transfer, the case was heard by learned Sessions Judge, Balodabazar, District Balodabazar (C.G.). Charges under Section 307 of the IPC was framed against appellant, who abjured guilt and entered into appearance.

4. In order to prove the guilt of appellant, the prosecution examined as many as 09 witnesses and exhibited 18 documents, statements of the appellant under Section 313 of the Cr.P.C. was recorded, in which, he denied all the incriminating circumstances appearing against him in the evidence of the prosecution claiming himself to be innocent and falsely implicated. No defence witness has been examined in support of the accused. After considering the evidence adduced by the prosecution, learned trial Court vide judgment dated 26.08.2017 has convicted the appellant only for the offence under Section 324 of the IPC instead of Section 307 of the IPC and sentenced him as mentioned in opening paragraph of this judgment. Being aggrieved, the appellant has preferred instant appeal.

5. At the outset, learned counsel appearing for the appellant/accused would submit that he does not want to press this appeal as regards to the conviction part of the impugned judgment, rather he would confine his arguments to the sentence part thereof only. He would further submit that the injury sustained by the victim was simple in nature, both the parties belong to a poor family strata, and the dispute occurred on trivial issue. He further submitted that the appellant remained in jail during the trial from 03.07.2016 to 23.09.2016 i.e. 2 months 22 days and after passing of the judgment from 26.08.2017 to 5.09.2017, total period of custody is 3 months 1 day, therefore, he prays that the jail sentence imposed upon the appellant may be reduced to the period already undergone by him.
6. Per contra, learned State counsel submits that the State has not filed the appeal but injury was caused to the victim by the appellant with a sharp-edged weapon, hence she prays that an appropriate order may be passed.
7. Heard learned counsel for the parties and perused the material available on record including record of the Court below.
8. Though learned counsel for the appellant is not pressing the instant appeal on the conviction part of the impugned judgment but from perusal of the record it is crystal clear that the complainant and accused are belonging to the same family and there is land dispute between the parties and on the date of incident victim/PW-7 trying to construct the wall on the disputed

land, the appellant/accused assaulted the victim with sharp weapon in her forehead. Statement of the victim has been supported by the minor (PW-1), Ugrabhan Prajapati (PW-2) and Maini Bai (PW-3). Dr. Wasim, Medical Officer (PW-4) has examined the victim and stated that there is a lacerated wound over parietal region of the victim and after other examinations like C.T. Scan, he has reported that injury caused to the victim is simple in nature, as per Ex.P4. It is explicitly found that the appellant assaulted the victim with a sharp-edged weapon and caused simply injury. Having considered the evidence available on record, the finding recorded by the learned trial Court holding the appellant guilty for the offence under Section 324 of the IPC is not found to be perverse to the evidence available on record. Hence, conviction of the appellant for the offence punishable under Section 324 of the IPC is affirmed.

9. So far as the sentence part is concerned, having considered the nature of injury sustained by the victim and other facts and circumstances of the case, and keeping in view the fact that the appellant's total period of custody is 3 months 1 day against the jail sentence awarded by the trial Court, this Court is of the view that no useful purpose would be served in sending the appellant behind the bar, rather ends of justice would be served if he is sentenced to the period already undergone by him.
10. Resultantly, the criminal appeal is **partly allowed**. Conviction part of the impugned judgment against the appellant is maintained and

imposition of punishment of fine is also maintained, but jail sentence imposed upon him is reduced to the period already undergone by him i.e. 3 months and 1 day.

11. The appellant is said to be on bail. He need not surrender. The bail bond furnished by the appellant shall remain in operation for a further period of 6 months from today in view of the provisions contained under Section 481 of the Bhartiya Nagrik Suraksha Sanhita, 2023.
12. Record of the concerned Court below along with a copy of this judgment be sent back forthwith for compliance and needful, if any.

Sd/-
(Arvind Kumar Verma)
JUDGE