



2026:CGHC:3442



2026:CGHC:3442

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 841 of 2025

1 - Tika Ram Chaturvedi @ Mahgu Satnami S/o Late Man Sing
Aged About 38 Years R/o Near Jaithkham, Village Sarora P.S.
Urla, District Raipur, (C.G.).

... Appellant

versus

1 - State of Chhattisgarh, Through: Station House Officer, Police
Station Urla, District Raipur (C.G.).

... Respondent

For Appellant	: Mr. Galib Dwivedi, Adv. & Mr. Amiyakant Tiwari, Adv.
For Respondent/State	: Mr. Aman Tamrakar, P.L.

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

20/01/2026

1 The present appeal has been filed under Section 374(2) of Cr.P.C. against judgment of conviction and order of sentence dated 17.04.2025 passed by the learned Sessions Judge, Raipur (C.G.), in Sessions Trial No. 107/2023 whereby the learned Judge has convicted and sentenced the appellant as under :

Conviction	Sentence
U/s 325 of IPC	Rigorous imprisonment for 4 years with fine of Rs. 5000/-, in default of



	payment of fine amount additional R.I. for 3 months.
--	---

- 2 The prosecution's case, in brief, is that on 06.11.2021, the complaint/victim was in Sulabh Sauchalaya, Sarora for taking care of, at that time, the accused/appellant came there and used filthy language and assaulted her by means of a stick for non supplying of water in the sulabh sauchalaya, due to which the victim sustained injuries on her head. On the basis of the complaint, FIR was registered and after completion of investigation charge sheet was filed against the appellant. Thereafter, on 23.05.2023 charges were framed for the offence punishable under Sections 294 and 307 of IPC against the appellant.
- 3 So as to hold the appellant guilty, the prosecution has examined as many as 8 witnesses and exhibited 10 documents. The statement of the appellant was also recorded under Section 313 of the Cr.P.C. in which he denied the circumstances appearing against him and pleaded innocence and false implication in the case.
- 4 After hearing the parties, vide impugned judgment of conviction and order of sentence dated 7.04.2025 learned Judge has acquitted the appellant for the offence punishable under Section 294 of IPC. However, the appellant has been convicted and sentenced for the offence as mentioned in para-1 of this judgment. Hence, the present appeal.
- 5 Learned counsel for the appellant submits that he is not pressing the appeal so far as it relates to the conviction part of the judgment and would confine his argument to the sentence part thereof only. According to him, the incident is said to have taken place in the year 2021 and the appellant was in jail during trial for 8 days and now he is in jail since 17.04.2025 i.e. 286 days. The appellant is aged about 38



years, he has no criminal antecedents and he is still serving the jail sentence; therefore, in the interest of justice, it would be appropriate if the sentence imposed upon him may be reduced to the period already undergone by him and he may be released from jail.

- 6 Per contra, learned counsel appearing for the State, supporting the impugned judgment, opposed the arguments advanced on behalf of the counsel for appellant.
- 7 Heard learned counsel for the parties and perused the material available on record including the impugned judgment.
- 8 Dr. Anil Kumar Baghel (PW-5) conducted the MLC of victim Dhankunwar Chauhan and has given his report vide Ex. P-5. As per the MLC report (Ex.P-5), injuries on the head, right arm and right leg were found. The doctor referred the victim to the Surgery and Orthopaedics department.
- 9 Radiologist, Dr. Pranjali Mittal (PW-8), has submitted that on 06.11.2021 she performed CT scan (Ex.P-9) of the head and an ultrasound (Ex.P-10) of the abdomen of the injured. CT scan (Ex.P-9) revealed a fracture in the parietal bone on the left side of the victim's head. The ultrasound (Ex.P-10) did not reveal any abnormalities.
- 10 Having gone through the material available on record and the evidence of the witnesses Dr. Anil Kumar Baghel (PW-5), Dr. Pranjali Mittal (PW-8), Dhankunwar Chauhan (PW-1), Binda Bai (PW-4), Mannu Lal Yadav (PW-6) and Seraj Khan (PW-7), establish the involvement of the appellant in the crime in question. This Court does not see any illegality in the findings recorded by the Trial Court as regards conviction of the appellant for the offence punishable under Section 325 of IPC.
- 11 As regards sentence, in the matter of **Mohammad Giasuddin v. State of Andhra Pradesh** reported in (1977)



3 SCC 287, Hon'ble Supreme Court has observed that 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 and held in para-9 as follows:

"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-culturation. 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."

12 In the light of the decision of the Supreme Court in the case of **Mohammad Giasuddin** (supra) and keeping in view the



fact that the appellant is in jail since 17.04.2025, the maximum sentence imposed upon the appellant is 4 years, out of which he has already served the jail sentence of 286 days, no criminal antecedent of the appellant is recorded in the arrest memo, he has studied upto 7th class and works as a labourer, this Court is of the opinion that the ends of justice would serve if the appellant is sentenced to the period already undergone by him.

- 13 Accordingly, the conviction of the appellant under Section 325 of IPC is maintained, but his jail sentence is reduced to the period already undergone by him i.e. 286 days. However, the fine imposed upon the appellant by the Trial Court is hereby enhanced to Rs. 20,000/- from 5,000/-. In default of payment of the enhanced/imposed fine amount by this Court today, the appellant shall be liable to undergo R.I. for 6 months. Fine amount, if any, already deposited by the appellant shall be adjusted.
- 14 The enhanced/imposed fine amount by this Court today shall be payable to the victim Dhankunwar Chauhan, as compensation after due verification.
- 15 Consequently, the appeal is **allowed in part** to the extent indicated herein-above.
- 16 The appellant is reported to be in jail. He be released forthwith if not required in any other case and if not required to be detained in default of fine amount.
- 17 Record of the trial Court along with a copy of this judgment be sent back forthwith for compliance and necessary action, if any. A copy of the judgment may also be sent to the concerned Jail Superintendent wherein the appellant is suffering the jail sentence.

Sd/-
(Sanjay Kumar Jaiswal)
JUDGE