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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 49 of 2017

Sanjay Yadav S/o Tonko Ram Yadav Aged About 27 Years R/o Village Jurudand, Police Station -Bagicha, District Jashpur, Chhattisgarh.

... Appellant.

versus

State of Chhattisgarh Through Police Station Bagicha, District-Jashpur, Chhattisgarh.

---- Respondent

For the Appellant : Mr. Rakesh Manikpuri, Advocate (Legal Aid)

For the State/Respondent : Mr. Rishiraj Pithawa, Dy. GA.

Hon'ble Shri Arvind Kumar Verma, Judge

Judgment on Board

25.02.2026

1. Challenge in the criminal appeal is to the impugned judgment of conviction and sentence dated 20.12.2016 passed in Session Trial No.17/2016, by which, learned Session Judge, Jashpur, (CG), convicted the appellant for offence punishable under Section 325 of the IPC and sentenced him to undergo maximum RI for 08 months and fine of Rs.500/-, in default to undergo additional RI for 01 month.



2. The present appeal was filed in the year 2017 and the appellant was granted bail by this Court vide order dated 12.01.2017.
3. On day before yesterday, case was called out for hearing, but no one appeared on behalf of the appellant and case was pass over. Today, when the case is taken up for hearing, again no one appeared on behalf of appellant to press this appeal, therefore, I requested for assistance from a Counsel of the High Court Legal Services Committee. Mr. Rakesh Kumar Manikpuri, Advocate is nominated to assist the Court on behalf of the appellant.
4. I have gone through the judgment under appeal and the depositions of witnesses and exhibits assisted by Mr. Rakesh Manikpuri, Advocate and learned State Counsel. In view of decision of hon'ble Supreme Court in case of **Surya Baksh Singh v. State of Uttar Pradesh, (2014) 14 SCC 222**, I do not consider it necessary to adjourn this case and issue fresh notice to the appellant as his interest has been duly taken care of by nominating another Counsel from the High Court Legal Services Committee.
5. Case of prosecution, in brief, is that on 24-10-2015, the appellant and his wife have assaulted the complainant/victims (Kunti Yadav & Purendar Yadav) by means of stick and also



abused them in filthy language. Due to assault, victim (Purendar Yadav) suffered injury on his head, he was taken to the hospital for treatment. Based upon report lodged by the complainant (Kunti Yadav), FIR was registered against the appellant and his wife for offence punishable under Sections 294, 506-B, 323, 307 r/w 34 of IPC.

6. After completion of investigation, charge-sheet/chalan was filed and based upon which, trial Court framed the charges against the appellant.
7. In order to prove the guilt of appellant, prosecution examined total 09 witnesses and their statements were recorded. However, no defence witnesses was examined. Statement of appellant (accused) was recorded under Section 313 CrPC in which he pleaded innocence and false implication.
8. After completion of trial, trial Court convicted and sentenced the appellant as mentioned in paragraph -1 of this judgment. Hence, this appeal.
9. Learned counsel for the appellant would submit that he is not pressing this appeal as far as it relates to conviction part of impugned judgment and he confined his argument to the quantum of sentence only. He submits that incident had taken place in the year 2015, there was no pre-meditation and on the spur of moment incident had taken place; it was first offence of



appellant and, thereafter, he had not indulged himself in any other criminal activity. Out of 08 months of jail sentence, appellant has already served about 05 months and 07 days of substantive jail sentence, hence, no purpose would be served by again sending the appellant to jail after a lapse of about 10 years. Hence, it is prayed that the sentence awarded to appellant may be reduced to the period already undergone by him.

10. On the other hand, learned State Counsel opposing the prayer of learned counsel for appellant, would submit that looking to the injury suffered by victim, leniency should not be shown to appellant herein.
11. I have heard learned counsel for the parties and perused the record of the trial Court including the impugned judgment.
12. It is pertinent to mention here that testimony of the injured/victim (Purendar Yadav/PW3) is duly corroborated by his wife PW-2/Smt. Kunti Yadav. The injury sustained by the victim stand further corroborated by the medical evidence available on record including the deposition of PW-9/Dr. Mithilesh Minj (medical officer).
13. Though learned counsel for appellant has not challenged conviction of appellant and restricted his prayer only with regard to reduction of sentence as undergone, but still this Court deems it appropriate to examine the impugned judgment



of the Court below. This Court has meticulously perused impugned judgment and evidence on record.

14. Perusal of impugned judgment reveals that the trial Court after elaborately considering evidence of each individual material witness, has observed that prosecution has proved its case beyond reasonable doubt against appellant herein and that being the position, this Court is of the opinion that the trial Court has not committed any mistake in arriving at a conclusion that appellant is guilty for offence punishable under Section 325 of IPC.
15. As regards quantum of sentence, considering the fact that incident took place in the year 2015, i.e., about 10 years have elapsed, appellant and victims are relatives and there was previous dispute between them regarding partition of land, out of 08 months of jail sentence, appellant has already served about 05 months and 07 days of substantive jail sentence, he is not having any previous/other criminal antecedents, this Court is of the opinion that no useful purpose would be served in sending the appellant to jail at this point of time for undergoing remaining period of sentence and ends of justice would be met if the sentence awarded to appellant is reduced to the period already undergone by him.
16. In the result, the appeal is allowed in part. Conviction of appellant under Section 325 of IPC is hereby affirmed;



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sentence imposed upon the appellant under aforesaid Section is hereby modified and reduced to the period already undergone by him. However, fine amount imposed by the trial Court upon the appellant shall remain intact.

17. Record of this case alongwith copy of this judgment be sent back immediately to trial Court concerned for compliance and necessary action.

Sd/-
(Arvind Kumar Verma)
JUDGE

J/-