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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRA No. 1533 of 2024**

Mangal Ram Baghel S/o Late Bhawani Baghel Aged About 55 Years R/o Village Homaras, Thana Kukanar, District- Sukma, (C.G.).

... Applicant**versus**

State Of Chhattisgarh Through- Police Station Kukanar, District- Sukma, (C.G.).

... Respondent

For Appellant : Mr. Alok Ku. Dewangan, Advocate
For Respondent/State : Ms. Sunita Manikpuri, Dy. G.A.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Judgment on Board****27/02/2026**

- 1** This appeal under Section 415(2) of BNSS, 2023, has been filed against the judgment of conviction and order of sentence dated 25.06.2024 passed by learned Sessions Judge, South Bastar Dantewada (C.G.), in Sessions Trial No.139/2023 whereby the appellant has been convicted and sentenced as under :



Conviction	Sentence
U/s 307 of IPC	Rigorous imprisonment for 10 years with fine of Rs.500/-, in default of payment of fine, additional R.I. for 1 month.

- 2** The case of prosecution, in brief, is that on 21.06.2023, around 3:00 pm, complainant Shyam Lal received a phone call from Dileep, informing him that the accused/appellant was assaulting his mother, Budhri Baghel, causing head injuries. Upon arrival, Shyam Lal and his brother Mahesh found their mother bleeding from head and back injuries. The appellant had allegedly assaulted the injured with an axe. When complainant's younger brother Shyam Kumar tried to rescue her, the appellant assaulted him as well, pushed him, and fled away. Complainant Shyam Lal and his two brothers took their mother to Sukma District Hospital, where the doctor referred her to Jagdalpur for treatment. On report being lodged in this regard, FIR was registered and after completion of investigation, charge sheet was filed against the appellant.
- 3** So as to hold the appellant guilty, the prosecution has examined as many as 9 witnesses and exhibited 12 documents in support of its case. 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 appreciation of the oral and documentary evidence available on record, vide impugned judgment, learned trial Court convicted and sentenced the appellant 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. He submits that there is no evidence to suggest that the nature of the injuries sustained by the injured was grievous. He submits that the appellant is in jail since 01.07.2023, the maximum sentence imposed upon the appellant is 10 years, out of which he has already served the jail sentence of about 2 years & 8 months. Therefore, considering all these facts, the sentence imposed upon the appellant 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 argument advanced on behalf of the counsel for appellant. It was submitted that the applicant has two criminal records consisting of a case under the Excise Act of 1991 and a murder case of 1997.
- 7** Heard learned counsel for the parties and perused the record.
- 8** Dr. Rama Mishra (PW-9), who medically treated the injured, found three lacerated wounds; one on the parietal region (4 x 3 cm) and two on the Occipital region (2 x 1 cm and 1 x 1 cm).
- 9** Having gone through the material available on record and the statements of the complainant Shyamlal Baghel (PW-1) his brother Shyam Kumar Baghel (PW-2), injured Budhri



Baghel (PW-3), Dr. Rama Mishra (PW-9) and the medical reports of the injured, the involvement of the appellant in the crime in question is clearly established. This Court does not see any illegality in the findings recorded by the Trial Court regarding conviction of the appellant for the offence punishable under Sections 307 of IPC.

10 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-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 Jeoffrey 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."

- 11** In the light of the decision of the Supreme Court in the case of **Mohammad Giasuddin** (supra) and keeping in view the facts that the maximum sentence imposed upon the appellant is 10 years and he is in jail since 01.07.2023 i.e. about 2 years & 8 months, the appellant is now aged about 58 years, there is no evidence to suggest that the nature of the injury sustained by the injured was grievous and also considering the entire facts and circumstances of the case, this Court is of the opinion that the ends of justice would be served if the sentence of 10 years' Rigorous Imprisonment is reduced to 3 years.
- 12** Accordingly, the conviction of the appellant under Section 307 of IPC is maintained but his jail sentence is reduced from 10 years to 3 years of rigorous imprisonment. However, the fine amount and its default stipulation imposed by the trial Court shall remain intact.
- 13** Consequently, the appeal is **allowed in part** to the extent indicated here-in-above.
- 14** The appellant has been in jail since 01.07.2023. This period of custody shall be set off against his 3-year sentence.
- 15** 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**

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