



2026:CGHC:16668

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR
CRA No. 1324 of 2025

1 - Lilam Baghel S/o Late Rudan Baghel, Aged About 37 Years, R/o Village - Dipadihkla P.S. Shankargarh Distt Balrampur - Ramanujgani (C.G.).

2 - Hira Baghel S/o Late Satish Baghel, Aged About 50 Years, R/o Village - Dipadihkal P.S. Shankargarh Distt- Balrampur Ramanujganj (C.G.).

... Appellants

versus

1 - State Of Chhattisgarh Through The Station House Officer Shankargarh Distt- Balrampur Ramanujganj (C.G.).

... Respondent

For Appellant	: Mr. A.N. Pandey, Adv.
For Respondent/State	: Mr. Afroz Khan, P.L.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

10/04/2026

1 The present appeal has been filed under Section 415(2) of BNSS against judgment of conviction and order of sentence dated 10.06.2025 passed by the learned Second Additional Sessions Judge, Ramanujganj, District-Balrampur-Ramanujganj (C.G.), in Sessions Case No. 79/2023 whereby the learned Judge has convicted and sentenced the appellant as under:-

Conviction	Sentence
U/s 307 of IPC	Rigorous imprisonment for 07 years with fine of Rs. 1000/-, in default of payment of fine amount additional R.I. for 01 month to each of the appellants.

- 2 The prosecution case, in brief, is that on 16.03.2023, complainant Urmila Baghel (Pw-1) lodged a report at police station Shankargarh, Distt- Balrampur-Ramanujganj (C.G.), stating that on 10.03.2023 at 5:30 pm, in village Deepadihkala, police station Shankargarh, Distt. Balrampur-Ramanujganj (CG), her sons Chhotu and Pandu were standing near Appellant No. 1/Lilam's shop when Lilam started abusing them obscenely. When the complainant started taking her sons home with her son-in-law, appellant no.1 Lilam threatened her with death, broke her mobile, and along with Heera, started hitting the complainant with a stick, causing injuries to her head, back, right elbow, left shoulder, and face. On the basis of the report lodged by the complainant, the police registered the F.I.R. against the present appellants/accused for the alleged offences and arrested them. After completing the investigation, the police filed the charge sheet before the competent court.
- 3 So as to hold the appellant guilty, the prosecution has examined as many as 08 witnesses and exhibited 18 documents. The statement of the appellants were also recorded under Section 313 of the Cr.P.C. in which they denied the circumstances appearing against them and pleaded innocence and false implication in the case.
- 4 After hearing the parties, vide impugned judgment of conviction and order of sentence dated 10.06.2025, learned Judge has acquitted the appellants for the offence under Section 294, 506 part-2 and 427 of IPC, convicted and sentenced the appellants for the offence as mentioned in para-1 of this judgment. Hence, the present appeal.
- 5 Learned counsel for the appellant submits that compromise has been taken place between the parties and I.A. No. 01/2026, which is an application for permission to compromise of this case dated 27.01.2026 has been filed to this effect which is supported by the affidavits of the complainant Urmila Bai and the wife of appellant No. 1/Lilam Baghel, therefore, the appellants may be acquitted for the aforesaid offence on the basis of compromise.

- 6 The complainant Urmila Bai (PW-1) and the wife of appellant No. 1/Lilam Baghel are present in person before this Court today and states that they have arrived at a compromise.
- 7 Since the offence under Section 307 of IPC is not compoundable, therefore, the compromise application dated 27.01.2026 filed by the parties is not maintainable and is hereby **rejected**.
- 8 At this stage, learned counsel for the appellants 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 2023, about 03 years ago. The appellants have already been remained in jail for about 01 year, 05 months and 10 days. The appellants have no criminal antecedents, and they are still serving the jail sentence; therefore, in the interest of justice, it would be appropriate if the sentence imposed upon them may be reduced to the period already undergone by them and they may be released from jail.
- 9 Per contra, learned counsel appearing for the State, supporting the impugned judgment, opposed the arguments advanced on behalf of the counsel for appellant.
- 10 Heard learned counsel for the parties and perused the material available on record including the impugned judgment.
- 11 Dr. Aftab Ansari (PW-07) opined in his statement that the injured, Urmila Bai, had multiple injuries, including swelling and pain on the head, a lacerated wound below the right eye, blood clot and swelling in the eyes, an abrasion on the eyebrow, and restricted movement of the right elbow. Based on the CT scan report, he further opined that there was a fracture in the occipital bone with inter-hemispheric fissure, indicating a grievous injury.
- 12 Having gone through the material available on record and the evidence of the witnesses Urmila Bai (PW-01), Purandar Yadav (PW-6), Dr. Aftab Ansari (PW-7) and Ramsevak Bhagat (PW-8), establish the involvement of the appellants 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 appellants for the offence punishable under Section 307 of IPC.

- 13 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."

- 14 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 maximum sentence imposed upon the appellants is 07

years, out of which they have already served the jail sentence of about 01 year, 05 months and 10 days, no criminal antecedent of the appellants are recorded in the arrest memo (Ex-P/11 & P/12), the appellant No. 1 has studied upto 5th class and works as an agriculturist while appellant No. 2 has studied upto 03rd class and works as an agriculturist, and also considering the fact the injured Urmila Bai has already arrived at a compromise with the appellants, this Court is of the opinion that the ends of justice would serve if the appellants are sentenced to the period already undergone by them.

- 15 Accordingly, the conviction of the appellants under Sections 307 of IPC is maintained, but their jail sentence for the offence under Section 307 of IPC is reduced to the period already undergone by them i.e. 01 year, 05 months and 10 days. However, the fine amount with default stipulation imposed upon the appellants by the trial Court shall remain intact.
- 16 Consequently, the appeal is **allowed in part** to the extent indicated herein-above.
- 17 The appellants are reported to be in jail. They be released forthwith if not required to be detained in any other case.
- 18 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