



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1559 of 2024

1 - Kanhaiya @ Narendra Patel S/o. Shri Raghuwar Patel Aged About 32 Years
Profession Agriculture, R/o. Village - Timarlaga, P.S. Sarangarh, District -
Sarangarh-Bilaigarh (C.G.)

2 - Haricharan Patel S/o. Late Sitaram Patel Aged About 44 Years Profession
Agriculture, R/o. Village - Timarlaga, P.S. Sarangarh, District - Sarangarh-
Bilaigarh (C.G.)

3 - Loknath Patel S/o. Shri Ramlal Patel Aged About 41 Years Profession
Agriculture, R/o. Village - Timarlaga, P.S. Sarangarh, District - Sarangarh-
Bilaigarh (C.G.)

4 - Lalsay Nishad @ Lalu S/o. Shri Jalandhar Nishad Aged About 25 Years
Profession Labor, R/o. Village - Timarlaga, P.S. Sarangarh, District - Sarangarh-
Bilaigarh (C.G.)

.... Appellants

versus

State Of Chhattisgarh Through The P.S. Sarangarh, District - Sarangarh-
Bilaigarh (C.G.)

... Respondent

(Cause title taken from Case Information System)

**Order Sheet**

30/01/2025	Mr. T.K. Jha, counsel for the appellant. Mr. Vivek Sharma, Panel Lawyer for the State / respondent. Heard on I.A. No.1/2024, which is an application under Section 430 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for suspension of sentence and for grant of bail to the appellant during pendency of the appeal. By the impugned judgment of conviction and order of sentence dated 13.08.2024 passed by Special Judge [Scheduled Caste & Scheduled Tribe (prevention of atritocities_ Act] Raigarh, District Raigarh in Special Criminal Case under the Atrocities Act No. 31/2019, each of the appellants has been convicted and sentenced as under :- <table><tr><th>S.No.</th><th>Conviction</th><th>Sentence</th></tr><tr><td>01.</td><td>U/s. 147 of Indian Penal Code, 1860</td><td>R.I. for 1 year (05 times).</td></tr><tr><td>02.</td><td>U/s. 353 read with Section 149 of IPC</td><td>R.I. for 1 year (five times)</td></tr><tr><td>03.</td><td>U/s. 332 read with Section 149 of IPC</td><td>R.I. for 02 years (05 times)</td></tr><tr><td>04.</td><td>U/s. 341 read with Section 149 of IPC</td><td>Fine of Rs.100/- (05 times) and in default of payment of fine, to undergo additional RI for 1 day.</td></tr><tr><td>05.</td><td>Under Section 307 read with Section 149 of I.P.C. [In respect of complainant Mayank –</td><td>RI for 10 years with fine of Rs.10,000/-, in default of payment of fine, to further undergo additional RI for 6 months.</td></tr></table>	S.No.	Conviction	Sentence	01.	U/s. 147 of Indian Penal Code, 1860	R.I. for 1 year (05 times).	02.	U/s. 353 read with Section 149 of IPC	R.I. for 1 year (five times)	03.	U/s. 332 read with Section 149 of IPC	R.I. for 02 years (05 times)	04.	U/s. 341 read with Section 149 of IPC	Fine of Rs.100/- (05 times) and in default of payment of fine, to undergo additional RI for 1 day.	05.	Under Section 307 read with Section 149 of I.P.C. [In respect of complainant Mayank –	RI for 10 years with fine of Rs.10,000/-, in default of payment of fine, to further undergo additional RI for 6 months.
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	Chaturvedi]	
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Learned counsel for the appellants submits that the appellants were on bail during trial and they never misused the liberty granted to them during the trial period. The appellants have been convicted merely on the basis of identification of appellants namely Haricharan Patel, Loknath Patel & Laalsai Nishad, which was carried out after about three months of the incident, that too, by person, who is not the victim in instant case and the identification has not been got done by the victim and the main accused namely Amrit Patel has died. It is submitted that the appellants are labourer, therefore, he prays that application for suspension of sentence of the appellant may be allowed and sentence may be suspended till the decision of this appeal.

On the other hand, counsel for the State while opposing the submission made by counsel for the appellants submits that the appellants were actively involved in the instant case, as Rakesh Verma (PW-3), who was present on the spot at the time of incident, has identified three appellants namely Haricharan Patel, Loknath Patel & Laalsai Nishad, therefore, application for suspension of sentence and grant of bail to the appellants is rejected.

I have heard learned counsel for the parties and perused the record of the trial Court carefully.

Having considered the nature & gravity of the offence, particularly considering the fact that appellants had allegedly assaulted the Govt. official while performing his duty and the victim has identified some of the accused persons alongwith present appellants, which is also supported by deposition of Rakesh Verma (PW-3), therefore, I am not inclined to suspend



Amit	the jail sentence of the appellants, at this stage. In view of above, I.A. No.1/2024, application for suspension of sentence and grant of bail to the appellant is rejected. Certified copy, as per rules. Sd/- (Naresh Kumar Chandravanshi) Judge
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