



CGHC010291962026

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1897 of 2026

Bhavsingh Uikey S/o Shivprasad Uikey Aged About 28 Years R/o Village Mardel,
P.S. - Bhanupratappur, District - Uttar Bastar Kanker (C.G.)

... Appellant

versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Bhanupratappur, District - North Bastar Kanker (C.G.)

... Respondent

Order on Board

09/09/2026	Mr. Sandeep Shrivastava, counsel for the appellant. Mr. Anish Tiwari, Dy. Govt. Advocate for the State. Heard on admission. The appeal, being arguable, is admitted for hearing. Issue notice to the respondent. Learned State counsel accepts notice on behalf of the State/respondent, therefore, issuance of notice to it, is dispensed with. Also heard on I.A. No.1/2026, application for suspension of sentence and for grant of bail to the appellant during pendency of appeal.

By the impugned judgment of conviction and order of sentence dated 07.07.2026 (Annexure-A/1) passed by the First Upper Sessions Judge, Bhanupratappur, District North Bastar Kanker (C.G.) in Sessions Trial No. 38/2024, the appellant has been convicted and sentenced in the following manner :-

S.No.	Conviction	Sentence
01.	U/s. 450 of the IPC	Rigorous imprisonment for seven years and fine of Rs.1,000/-, in default of payment of fine, to further undergo additional imprisonment for one month.
02.	U/s. 307 of the IPC	Rigorous imprisonment for seven years and fine of Rs.1,000/-, in default of payment of fine, to further undergo additional imprisonment for one month.

Both the sentences shall run concurrently.

Learned counsel for the appellant/accused submits that there is no eyewitness to the incident and the appellant has been convicted on the basis of the sole testimony of the injured/victim himself. He further submits that the statement of the injured/victim was recorded after about one month of the incident and his MLC was conducted prior to the submission of the written complaint, on the basis of the information provided by the doctor. It is also contended that the appellant has remained in custody for about two years and five months. Therefore, learned

counsel prays that the application for suspension of sentence be allowed and the sentence imposed upon the appellant be suspended till the final decision of the appeal.

Per contra, learned State counsel submits that the injured/victim himself is an eyewitness to the incident. He further submits that the injuries were caused to the victim by the appellant by means of an axe, resulting in multiple fractures to the head of the victim. It is also submitted that the said axe was seized from the possession of the appellant. Hence, learned State counsel prays that the application for suspension of sentence and grant of bail to the appellant be rejected.

I have heard learned counsel for the parties and perused the material available on record.

Taking into consideration the facts and circumstances of the case, particularly the fact that the injured/victim himself is an eyewitness to the incident, and further considering that the injuries were caused on a vital part of the body, i.e., the head, resulting in multiple fractures thereof, as well as the fact that the alleged axe was seized from the possession of the appellant, I am not inclined to suspend the jail sentence imposed upon the appellant.

Accordingly, the application for suspension of sentence, being I.A. No. 1/2026, is hereby rejected.

List this case for final hearing after two weeks.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

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