



2026:CGHC:12977

1



2026:CGHC:12977

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1977 of 2017

1 - Satveer @ Munda S/o Kundal, Aged About 20 Years R/o Village Devgarh, Pandripani, P. S. Sitapur, District Surguja Chhattisgarh , Chhattisgarh

... Appellant(s)

versus

1 - State Of Chhattisgarh Through The Station House Officer, Police Station Sitapur, District Surguja Chhattisgarh , Chhattisgarh

---- Respondent

For Appellant	: Ms. Seema Verma, Advocate on behalf of Mrs. Uttra Shrivastava, Advocate
For Respondent	: Mr. Raj Kumar Sahu, Panel Lawyer

Hon'ble Shri Arvind Kumar Verma, Judge
Order on Board

18/03/2026

1. This criminal appeal has been filed under Section 374 (2) of Cr.P.C. by the appellant against the judgment of conviction and order of sentence dated 25.11.2017 passed by the First Additional Sessions Judge, Ambikapur, District Surguja, in Session Trial No. 27/2017, whereby the appellant has been convicted and sentenced as follows:-

Convicted under Sections	Sentenced to
324 of IPC	R.I. for 1 year and fine of Rs. 100/-



	and, in default of payment of fine, additional R.I. for one month
--	--

2. The prosecution case, in brief, is that the complainant, Upen Sai, lodged a report on 02.11.2016 at Police Station Sitapur, District Surguja (C.G.), stating that on 01.11.2016 at about 4:00 PM, he had gone from his house towards his agricultural field. While returning home, he sat for some time at the Pandripani platform with village boys including Rakesh and others, and thereafter proceeded towards his house. On the way, he went to Banerjee's grocery shop and asked for tobacco, but as it was not available, he moved ahead. At about 6:00 PM, when he reached near the house of William Oraon, the accused, who was hiding in the house, suddenly came from behind and assaulted him with a tangi (axe) with the intention to kill, striking a blow on his head, which got embedded therein. Thereafter, the accused assaulted him with the wooden handle (butt) of the tangi, causing injuries to his hands and legs. Upon raising alarm, Maniram came out of his house towards the spot, and on seeing him, the accused fled away, leaving the tangi at the spot. On the basis of the said report, an FIR bearing Crime No. 202/2016 was registered at Police Station Sitapur, District Surguja (C.G.) against the accused for the offence punishable under Section 307 of the Indian Penal Code, and the matter was taken up for investigation. During the course of investigation, the spot map was prepared as per the statements of the witnesses. The complainant/injured was medically examined. The tangi used in the



commission of the offence was seized from the spot in the presence of witnesses, and a seizure memo was prepared. Subsequently, a spot map (Nazri Naksha) was also prepared by the Patwari in the presence of witnesses. Medical opinion regarding the injuries sustained by the complainant and the seized tangi was obtained. The seized tangi was sent for chemical examination to the Forensic Science Laboratory (FSL). Statements of witnesses, namely Upen Sai, Govardhan, Maniram, Seema Bai, Rakesh, and Ranjeet Minj, were recorded as per their versions. During investigation, the accused was arrested, and an arrest memo was prepared, and intimation of his arrest was given to his father. Upon completion of all investigation proceedings, and finding sufficient evidence against the accused, a charge-sheet under Section 307 of the IPC was filed before the Court of Judicial Magistrate First Class, Sitapur, District Surguja (C.G.).

3. The First Additional Sessions Judge, Ambikapur, District Surguja after appreciating oral and documentary evidence available on record vide judgment dated 25.11.2017, convicted the appellant for the offences punishable under Sections 324 of the IPC and sentenced him as mentioned in opening paragraph of this order.
4. Learned counsel for the appellant would submit that the complainant has lodged false report against the appellant that the accused/appellant assaulted the complainant. The judgment of the trial Court is bad in law as well as on facts. The learned trial Court ought not to have convicted and sentenced the appellant and ought to have given the benefit of doubt since the evidence submitted by



the prosecution is very shaky and unbelievable. The Court below failed to appreciate the evidence and documents available on record. There are material contradictions and omissions in the statement of the complainant. Hence, this appeal deserves to be allowed.

5. Learned counsel for the appellant further submits that he does not want to press this appeal on merits and confine his arguments to the sentence part thereof only. Further, learned counsel for appellant submits that the appellant at present is aged about 29 years and as he is facing criminal trial since 2017 and the appellant has already undergone more than 4 months and 14 days awarded by the trial Court. There is also no previous criminal antecedents against the appellant. Therefore, the jail sentence awarded to the appellant may be reduced to the period already undergone by him. Learned counsel for appellant placed his reliance upon the decisions of the Coordinate Bench of this High Court in the matters of **Ajay Kumar Sarthi V. State of Chhattisgarh** in CRA No. 243 of 2022, **Pritam Patel Vs. State of Chhattisgarh** in CRA No. 903 of 2015 and **Yogendra Singh Markam Vs. State of Chhattisgarh** in CRA No. 1760 of 2022, the Cor-ordinate Bench has reduced the sentence to the period already undergone, and therefore, similar relief may be extended to the appellants herein as well.
6. Learned Panel Lawyer appearing for the respondent/State, submits that the trial Court has rightly convicted and sentenced the appellants, in which no interference is called for.



7. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
8. From perusal of the records, it transpires that the complainant/injured Upen Sai sustained a single incised injury on the left parietal region of his head, which has been opined by the medical expert to be simple in nature and caused by a hard and sharp object. Although the prosecution has alleged that the injury was inflicted by the accused by means of a tangi with an intention to cause death, the seizure of the said weapon is doubtful and the same has not been conclusively connected with the injury sustained by the complainant. Further, the medical and forensic evidence do not unequivocally establish that the seized weapon was used in the commission of the offence. It is also evident that there was no prior enmity or motive attributed to the accused, and only a single blow was inflicted. In such circumstances, the essential ingredients required to constitute an offence under Section 307 IPC, particularly the intention or knowledge to cause death, are not satisfactorily established.
9. The complainant/injured Upen Sai (PW-1), in his examination-in-chief, stated that while returning from the field, after sitting for some time at the village platform, when he reached near William's house, the accused suddenly came and struck him on the head with a tangi. He raised alarm, after which his uncle Maniram and others arrived. He further stated that he became unconscious and regained consciousness around 2-3 AM in Sitapur hospital, from where he was referred to District Hospital Ambikapur where his CT scan was



conducted. He also stated that he lodged the report and identified his thumb impression on Ex. P-1.

10. Govardhan Lakda (PW-2), brother of the complainant, supported the prosecution case; however, he is not an eyewitness and admitted in cross-examination that he reached the spot about an hour later and did not see the assault. His testimony is therefore hearsay and does not prove the occurrence.
11. Rakesh Kumar (PW-5) stated about a quarrel between the complainant and accused, but in cross-examination admitted that he did not witness the incident and did not know who was involved, making his testimony unreliable.
12. Maniram (PW-3), an alleged eyewitness, did not support the prosecution and stated that he did not see the assault; he only saw the complainant injured and the accused standing nearby.
13. Seema Ekka (PW-4), daughter-in-law of the complainant, initially stated she did not know about the incident, but later admitted that she saw the accused assaulting the complainant with a tangi. Her statement remained unshaken in cross-examination.
14. Dr. M. Nikunj (PW-7), the medical officer, deposed that on 02.11.2016, when the injured Upen Sai was brought to him by a constable from Police Station Sitapur, upon examination he found an incised oblique wound on the left parietal region of the head measuring $8 \times \frac{1}{2} \times 1$ cm, caused by a hard and sharp object within 12–18 hours of examination. His report is Ex. P-7 bearing his signature. As per the CT scan report (Ex. P-9), no internal head injury



was found, and this fact remained unchallenged by the defence.

15. The trial Court after considering the material available on record and evidence of the prosecution witnesses, convicted appellant for the offences punishable under Section 324 of the IPC and sentenced to undergo RI for 1 year and fine of Rs. 100/-.
16. Considering the material available on record and the evidence adduced by the prosecution, I am of the view that the trial Court did not commit any illegality or infirmity in the findings recorded by trial Court as regards conviction of the appellant under Sections 324 of the IPC.
17. So far as the sentence part is concerned, considering the entire facts and circumstances of the case, the manner in which the incident occurred, the nature of injury sustained by the complainant/injured, which has been found to be simple in nature, the fact that the incident took place in the year 2016, the appellant is aged about 29 years, has no previous criminal antecedents, and has remained on bail during pendency of this appeal without misusing the liberty granted to him, and further considering that the appellant has already undergone a period of more than 4 months and 14 days of incarceration, this Court is of the opinion that no fruitful purpose would be served by sending the appellant back to jail at this stage, and the ends of justice would be met if the appellant is sentenced to the period already undergone by him.
18. In the result, the appeal is **partly allowed**. The conviction of the appellant under Section 324 of the IPC is hereby maintained;



however, the jail sentence awarded to the appellant is reduced to the period already undergone by him. The fine amount imposed by the trial Court shall remain intact.

19. The appellant is reported to be on bail. His bail bond is not discharged at this stage and the bonds shall remain operative for a period of six months in view of Section 481 of the BNSS.

20. The trial court record along with a copy of this judgment be sent back immediately to the trial court concerned for compliance and necessary action.

Sd/-

(Arvind Kumar Verma)
Judge