



2026:CGHC:3849

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 1894 of 2022**

1 - Ajay Ray S/o Shri Ashok Ray, Aged About 25 Years, R/o Village - Pv- 55, Pump No. 02, Near Sai Mandir Pankhanjur, Thana - Pankhanjur, District - North Baster Kanker (C.G.).

2 - Ashok Ray S/o Late Shri Pradeep Ray, Aged About 53 Years, R/o Village - Pv- 55, Pump No. 02, Near Sai Mandir Pankhanjur, Thana - Pankhanjur, District - North Baster Kanker (C.G.).

... Appellants**versus**

1 - State Of Chhattisgarh Through The District - Magistrate, Kanker, District - North Baster Kanker (C.G.).

... Respondent

For Appellants : Mr. Shreyansh Pathak, Advocate.

For State/Respondent : Mr. Amit Verma, P.L.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Judgment on Board****22/01/2026**

1. The present appeal arises out of the impugned judgment of conviction and order of sentence dated 10.11.2022 passed by the learned Special Judge, SC & ST (Prevention of Atrocities) Act, North Baster Kanker (C.G.) in Special Criminal Case No. 66/2021 whereby the learned Special Judge has convicted and sentenced the appellants as under

:

Conviction	Sentence
U/s 294 of IPC	S.I. for 15-15 days with fine of Rs. 50-50/-; in default of payment of fine amount additional S.I. for 05-05 days.
U/s 323/34 of IPC	S.I. for 01-01 months with fine of Rs. 100-100/-; in default of payment of fine amount additional S.I. for 10-10 days.

(Both the sentences shall run concurrently)

2. The case of the prosecution, in brief, is that the complainant Anil Kumar Malekar lodged a report at Police Station Pakhanjur against the applicants, stating that he is residing at Awaspara Pakhanjur and working as Assistant Grade-II. He was on paternity leave on 24.05.2021; and at about 12:45 PM, he went to his sasural along with family members and parked his car near the road. At that time, the applicants came near the car and abused him, saying "ROAD KYA TERE BAP KI HE" and also used filthy language. It is further alleged that the applicants beat him with their hands. Based on the written report, a case has been registered and after completion of investigation, a charge-sheet was filed and the offence was registered against the present appellants/accused
3. During the course of trial, in order to bring home the offence, the prosecution has examined as many as 07 witnesses and exhibited 24 documents. The statement of the appellants were 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 10.11.2022, learned trial Court has acquitted the appellants for the offence punishable under Sections 506 Part-II of IPC and Section 3(1)(d), 3(2)(a) of SC and ST (Prevention of Atrocities), Act, 1989 and convicted and sentenced the appellants as mentioned in the opening paragraph of this judgment, against which the present appeal has been preferred by the appellants questioning the legality, validity and correctness of the impugned judgment.
5. Learned counsel for the appellants submits that he does not wish to press this appeal on merits and confines his argument only to the sentence part. He submits that the incident occurred in 2021 over a petty issue of parking a car, and the complainant suffered simple injuries in the incident. This appeal has been pending since 2022. Hence, considering these facts, the jail sentence of the appellants may be reduced by enhancing the fine amount in the interest of justice.
6. Per contra, learned counsel appearing for the State, supported the impugned judgment and opposed the arguments advanced on behalf of the Appellant.
7. Heard learned counsel for the parties and perused the record including the impugned judgment.
8. Having gone through the material available on record and the statements of Victim Anil Kumar (PW-1), Anju Malekar (PW-2), Sushila Bijlekar (PW-3), Dashrath Malekar (PW-4), Dr. Prabhat Toppo (PW-5), establish the involvement of the Appellants in the crime in question. This Court does not find any illegality or infirmity in the finding recorded by the Trial Court as regards the conviction of the appellants for offence punishable under Sections 294 and 323/34 of IPC which is based on the material available on record and it is hereby

affirmed.

9. As regards the sentence part, the incident occurred in 2021, about 4-5 years ago, over a petty issue of parking a car. The complainant sustained a simple injury in the incident. Taking these facts into consideration, it is appropriate to set aside the jail sentence of the appellants by imposing a fine amount.
10. Accordingly, the conviction of the appellants for offence under Sections 294 and 323/34 of IPC is maintained and the jail sentence of the appellants is hereby set aside by enhancing a fine amount of Rs. 1000-1000/- instead of Rs.50-50/ and Rs.100-100/- for the offences under Section 294 and 323/34 respectively, which (2000/-) shall be payable by each of the appellants, in default thereof, they shall be undergo S.I. for 30 days. The fine amount, if any, already deposited by the appellants shall be adjusted in the fine enhanced/imposed by this Court today.
11. Consequently, the appeal is **partly allowed** to the extent indicated hereinabove.
12. The appellants are on bail. They need not surrender in this case. However, their bail bonds shall remain in force for a period of six months in view of the provisions contained in Section 437-A of the CrPC.
13. Let a certified copy of this judgment along with the original record be transmitted forthwith to the trial Court concerned for information and necessary action, if any.

Sd/-
(Sanjay Kumar Jaiswal)
Judge