
(2020) 01 CHH CK 0172
In the Chhattisgarh High Court
Case No : Criminal Appeal No. 1055 Of 2002

Hemant Kumar @ Pappu, S/o Kushal Prasad Dubey	APPELLANT
Vs	
State Of Chhattisgarh	RESPONDENT

Date of Decision : 30-01-2020

Acts Referred:

Indian Penal Code, 1860 — Section 307

Citation : (2020) 01 CHH CK 0172

Hon'ble Judges : Vimla Singh Kapoor, J

Bench : Single Bench

Advocate : Dr. Shailesh Ahuja, Ishwari Ghritlahre

Final Decision : Allowed

Judgement

@JUDGMENT-JUDGMENT

1. In the case in hand the victim and the accused are none else but the husband and wife. It is alleged that being a liquor addict the accused/appellant

used to ask for money from the victim even prior to the date of incident and eventually on the fateful day as the victim expressed her inability to fulfill

his demand for liquor, he lost temper and dealt countless axe blows on various parts of her body being head, neck, ear, shoulder etc. which started

bleeding profusely. She then went to Police Station and lodged the report Ex.P-1 on the basis of which offence under Section 307 IPC was registered

against him leading to filing of challan after her medical examination followed by framing of charge accordingly.

2. Learned Court below vide judgment impugned dated 13.09.2002 passed in Sessions Trial No.294/2002 convicted the accused/appellant under

Section 307 IPC and imposed the sentence of 7 years RI with fine of Rs.1000, plus default stipulation. Hence this appeal.

3. Counsel for the appellant though attacked the conviction on various counts yet his main emphasis had been to reduction of the sentence keeping in

mind the fact that the accused and the victim being husband and wife have, with the passage of time, have come to terms, started living together

peacefully and cordially with their child, and no bitterness remains between them. State counsel however supports the judgment impugned.

4. Considering the evidence of the victim (PW-1) describing the incident in a graphic manner including the injuries suffered by her at the hands of

accused who happens to be her husband, which has been duly supported by the medical evidence (vide reprt Ex.P-8) opining 11 incised injuries

sustained by the victim on various parts of her body such as head, neck, ear, shoulder etc. to have been caused by sharp edged weapon which were

grievous in nature, and also mindful of the evidence of her father (PW-3) and mother (PW-7) which discloses that on being informed by some Santu

they went to the hospital and came to know about the deadly act of the accused making their daughter remain hospitalized for

14 days, this Court affixes a seal of approval to the finding recorded by the Court below holding the accused guilty under Section 307 IPC. Seizure of

axe made under Ex.P-4 has also been an aggravating factor operating against the accused/appellant, which has been duly proved by PW-4 and PW-8.

PW-6 â?" the sister of the victim who was staying in the house of the accused has also corroborated the evidence of PW-1 specifically stating that

when she came after playing, she found her sister having suffered injuries and the head injury was bleeding even. Thus ample evidence is there to

affirm the conviction of the accused/appellant and therefore, this Court hereby does so.

5. As regards sentence, keeping in mind the facts and circumstances of the case particularly the fact that the parties to the case are husband and wife

who have now come to terms and started living together a happy and peaceful life and the affidavit filed by the victim and others for release of the

accused and further looking to the welfare of their minor child, and not being ignorant of the fact that the accused has already remained behind the

bars for about one and a half year, this Court thinks it proper to reduce the sentence imposed on the appellant to the period already undergone so that

a well set-up family is not upset and so also the future prospects of their child are saved from being ruined. Order accordingly.

6. Appeal thus allowed in part.