

(2018) 05 CHH CK 0054
In the Chhattisgarh High Court
Case No : ACQA No. 50 of 2015

Ramit Verma And Anr

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 10-05-2018

Acts Referred:

Indian Penal Code, 1860 — Section — Section 34, 307, 323

Citation : (2018) 05 CHH CK 0054

Hon'ble Judges : PRASHANT KUMAR MISHRA, J; RAM PRASANNA SHARMA, J

Bench : Division Bench

Advocate : Manoj Paranjpe, Vikram Dixit, P.K. Bhaduri

Final Decision : Dismissed

Judgement

1. Challenge in this acquittal appeal is to the judgment rendered by the trial Court, whereby the accused persons have been acquitted of the charge

under Section 307 IPC and have been convicted by altering the said charge under Section 323/34 IPC.

2. The accused persons were working as Carpenter in the house of the injured persons. On allegation that having obtained the payment in advance,

the accused refused to complete the work, the injured persons went to the house of the accused and requested them either to complete the work or

refund the amount. At this point of time, an altercation took place whereafter the accused persons inflicted injuries over the forehead, shoulder and

other parts of the body by means of the instruments which the Carpenters use in their profession.

3. The trial Court has opined that considering the medical evidence and the deposition of (PW-1) Dr. Raj kumar Markam, it does not appear that the

injured persons had sustained such grievous injury sufficient to cause death in

the ordinary course of nature.

4. We have carefully scrutinized the entire record.

5. The only point urged in this appeal is that the accused persons should have been convicted under Section 307 IPC. However, considering the

medical evidence and the statement rendered by the medical expert (PW-1) Dr. Raj Kumar Markam, it appears the injuries caused to the

complainants were simple in nature and were not sufficient to cause death in the ordinary course of nature.

6. The injuries were not caused by using any lethal weapon; those were instruments used by the Carpenters in their profession. Had there been any

intention on the part of the accused persons to attempt to commit murder of the injured persons, they would have used any weapon or would have

caused such serious injuries which might result in death.

7. In absence of these factors, the trial Court is fully justified in recording a finding that the offence under Section 307 IPC is not made out. The

appeal has no substance, it deserves to be and is hereby dismissed.