

(2017) 03 RAJ CK 0119
In the Rajasthan High Court
Case No : 127 of 2017

State of Rajasthan

APPELLANT

Vs

Ram Prasad S/o Raju Gurjar

RESPONDENT

Date of Decision : 31-03-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 378\(iii\)](#), [Section 378\(i\)](#) - Appeal in case of acquittal -
Appeal in case of acquittal
[Indian Penal Code, 1860](#), [Section 307](#)

Citation : (2017) 03 RAJ CK 0119

Hon'ble Judges : Dinesh Mehta

Bench : SINGLE BENCH

Advocate : Vikram Rajpurohit

Final Decision : Dismissed

Judgement

1. The present Criminal Leave to appeal under Section 378 (iii) & (I) Cr. P.C. has been preferred against the judgment dated 23.06.2016 passed by the Learned Sessions Judge, Bhilwara in Sessions Case No.45/2012, whereby the accused has been acquitted of the charges under Section 307 and 325 of IPC, while convicted under Sections 452, 323 and 504 of the Indian Penal Code.

2. Briefly narrated facts of the case are that the complainant Jadav lodged an F.I.R in Police Station Kotdi on 09.05.2012, that accused Ram Prasad had been defaming her and slandering her image in the society. On the fateful date of 21.04.2012 he entered

her house with a Lathi and started abusing and beating her, while asserting that he would kill her.

3. It was stated in the F.I.R that Ram Prasad had inflicted various injuries, out of which some were grievous with an intent to kill her.

4. Trial Court had framed charges against the accused under Sections 452, 325, 307 and 504 of IPC. After careful examination of the evidence and witnesses, Trial Court had given a finding that as far as allegations of injuries and abusing is concerned, prosecution has proved the same. However, the nature of injuries evident from the X-Ray report and medical report cannot be said to be grievous, so as to bring them within the ambit of offences punishable under Sections 307 and 325 of Indian Penal Code.

5. In wake of the above finding, the Trial Court has acquitted the accused of the charges under Sections 305 and 307 of IPC whereas convicted him under Sections 452, 323 and 504 of the Indian Penal Code. Neither the nature of injuries, nor the statement and evidence on record prove that the accused had any intentions or motive to inflict injuries with a view to kill the complainant. The Trial Court aptly appreciated the evidence and the order impugned is just and proper.

6. Having considered the material available on record vis a vis the order dated 23.06.2016 passed by the learned court below, I do not find it to be a fit case for grant of leave to file an appeal.

7. The application under Section 378 (iii) & (i) of Cr. P.C. is, therefore, dismissed.