



2026:CGHC:21081

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1006 of 2026

- Jhumka Ghasiya S/o Prabhu Ghasiya Aged About 45 Years R/o Village Dumarkhola, Police Station Pasta, District Balrampur- Ramanujganj, Chhattisgarh

... **Appellant**

versus

- State of Chhattisgarh Through Police Station Pasta, District Balrampur- Ramanujganj, Chhattisgarh

... **Respondent**

For Appellant	:	Mr. Virendra Verma, Advocate
For Respondent/State	:	Mrs. Sunita Manikpuri, GA

Hon'ble Shri Justice Radhakishan Agrawal

Judgment on Board

06/05/2026

1. This criminal appeal has been preferred by the appellant under Section 415(2) of the Bhartiya Nagrik Suraksha Sahita, 2023, being aggrieved by the judgment of conviction and order of sentence dated 07.03.2026 passed by the learned First Additional Sessions Judge, Ramanujganj, District Balrampur-Ramanujganj (C.G.), in Sessions Trial Case No.26/2021, whereby the appellant has been convicted as under:

Conviction	Sentence
U/s 294 of Indian Penal Code (hereinafter referred to as the,	Imprisonment for 1 month and fine of Rs.100/-, in

“IPC”)	default of fine, 5 days additional imprisonment.
U/s 506-B of IPC	Imprisonment for 6 months and fine of Rs.200/-, in default of fine, 15 days additional imprisonment.
U/s 324 of IPC	Imprisonment for 1 year and fine of Rs.300/-, in default of fine, 1 month additional imprisonment.
U/s 326 of IPC	Imprisonment for 6 years and fine of Rs.500/-, in default of fine, 6 months additional imprisonment.
All the sentences shall run concurrently.	

2. Case of the prosecution, in brief, is that on 03.10.2020 at about 12:30 PM, complainant- Sanjay Soni, lodged a report at Outpost- Dora, Police Station- Pasta, alleging that the accused abused his brother- Basant Soni, in filthy language, threatened him with death and assaulted him with an iron object, causing injuries on his hand, arm, and palm. It was further alleged that the accused also assaulted his father- Lallu Soni, causing injuries on his thigh and the back of his head. The incident was witnessed by nearby persons, and thereafter the accused fled from the spot. On the basis of the said report, a zero FIR was initially registered at Outpost-Dora and subsequently Crime No.73/2020 was registered at Police Station- Pasta and the matter was taken up for investigation.
3. During investigation, the appellant was arrested on 21.01.2021, and upon completion of investigation, charge-sheet was filed before the Judicial Magistrate First Class, Balrampur from where the case was committed to the Court of Sessions for trial.

4. In order to prove its case, the prosecution examined as many as eight witnesses. Upon conclusion of trial, the learned trial Court, convicted and sentenced the appellant as mentioned in opening paragraph. Hence, the present appeal.
5. Learned counsel appearing for the appellant submits that he is not challenging the conviction part of the appellant and confines his argument to the sentence part only, which according to him is on higher side. He further submits that the appellant has been in custody since 21.01.2021 and continues to remain in jail till date, i.e., for more than 5 years, 3 months and 13 days. He also submits that the appellant is a stick villager and has no criminal antecedents. On these grounds, learned counsel prays that the sentence awarded to the appellant be reduced to the period already undergone by him.
6. On the contrary, learned State counsel opposes the appeal and support the impugned judgment.
7. I have heard learned counsel appearing on behalf of the parties and perused the record.
8. Considering the statements of Basant Soni (PW-2), Sanjay Soni (PW-3) and Pooja Soni (PW-4), duly supported by the medical evidence and the material available on record, this Court is of the considered opinion that the learned trial Court has rightly convicted the appellant. Accordingly, the conviction of the appellant is hereby affirmed.
9. As regards the sentence part, considering the facts and circumstances of the case and further considering the fact that the appellant has remained in custody since 21.01.2021 and continues to be in jail till date and that he has no criminal antecedents, this Court is of the view

that the ends of justice would be met if, while upholding the conviction imposed upon appellant, the jail sentence awarded to him is reduced to 4 years 8 months, which he has already undergone. All the sentences shall run concurrently. However, fine sentence and default sentence is affirmed.

10. Accordingly, the present appeal is partly allowed. Since the appellant has already incarcerated jail sentence for the period as mentioned above, therefore, it is directed he shall be set at liberty forthwith, if not required in any other case.
11. Registrar (Judicial) is directed to send a certified copy of this judgment forthwith to the concerned trial Court as also to the concerned Superintendent of Jail where the appellant is undergoing jail sentence, for information and necessary action, if any.

Sd/-

(Radhakishan Agrawal)
Judge