



2026:CGHC:16244

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**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**CRA No.715 of 2008**

1 - Rajesh Maravi S/o Vishal Maravi, R/o Jabdapara, In Front Of Uphar Bhavan, Thana-Sarkanda, Distt.-Bilaspur C.G.

**Appellant (s)**

**versus**

1 - State Of Chhattisgarh Through P.S. Sarkanda, Distt.-Bilaspur C.G.

**Respondent(s)**

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For Appellant (s) : Ms. Sofiya Khan, Advocate through Legal Aid  
For Respondent(s) : Mr. Kanhaiya Ram Yadav, PL

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**Hon'ble Smt. Justice Rajani Dubey**

**Judgment on Board**

**09/04/2026**

1. The present appeal is directed against the judgment of conviction and order of sentence dated 13.05.2008 passed by the learned 2<sup>nd</sup> Additional Session Judge, Bilaspur (C.G.) in Session Trial No.165/2007, whereby the appellant has been convicted under Section 307 of IPC and sentenced to undergo RI for 7 years with default stipulations.



2. The prosecution case, in brief, is that on 25.06.2007 the appellant along with other co-accused persons assaulted the complainant Chitrakant by knife for the reason that he was in love affair with the sister of the appellant and he wanted to marry her, as a result of assault, the complainant sustained injuries and somehow he escaped. Thereafter a case was registered against the accused and other co-accused persons. After completion of investigation, the charge sheet was filed against the accused before the Magistrate concerned.
  
3. Learned counsel for the appellant submits that the judgment passed by the learned Trial Court is contrary to law and material available on record. The learned Trial Court did not appreciate the oral and documentary evidence properly and did not consider omissions and contradictions in the statements of the prosecution witnesses. The injuries sustained by the injured are not grievous in nature or dangerous to life, which is corroborated by the statements of both the doctors who examined the injured, despite that the learned Trial Court has wrongly convicted and sentenced the appellant for the aforesaid offence, hence prosecution has failed to prove its case beyond all reasonable doubts against the appellant. Therefore, the impugned judgment is liable to be set aside.

Alternatively,

She submits that the incident took place in the year 2007, this



appeal is pending since 2008, the appellant remained in jail for more than 2 years and has never misused the liberty granted by this Court and presently he is aged about 47 years, therefore, the appellant may be sentenced to the period already undergone by him.

4. Per contra, learned State counsel supports the impugned judgment and submits that the learned Trial Court has minutely appreciated the evidence available on record and has rightly convicted the appellant, as such no interference is called for. Therefore, the appeal deserves to be dismissed.
5. Heard learned counsel for the parties and perused the material available on record.
6. It is clear from the record of the learned Trial Court that the learned Trial Court framed charges under Section 307 read with Section 34 of IPC against the appellant and other co-accused. After appreciation of oral and documentary evidence available on record, the learned Trial Court acquitted the other co-accused persons of the aforesaid charges, whereas the appellant was convicted and sentenced, as mentioned in para 1 of the judgment.
7. PW-8 complainant Chitrakant Pradhan stated that on the date of incident, the appellant and other co-accused persons came to his room and demanded money by saying that the sister of the appellant is ill as such he needs money for her treatment and



thereafter they took him to hotel Downtown where the appellant stabbed him on his stomach by knife in a room and other co-accused persons also assaulted him by hand, fist and leg but somehow he escaped and ran away from there and on the way he saw some policemen, who admitted him in CIMS Hospital and thereafter lodged dehati nalisi (Ex-P/5). He admitted his signatures on C to C part of the same.

8. PW-5 Amar Das, PW-10 Suresh Kumar were waiters of Hotel Downtown and they supported statement of complainant and stated that they saw the accused while running away.
9. Dr. S. M. Haq (PW-1) examined the complainant and found 4 incised wounds on his body and referred him for surgical specialist and gave his report (Ex-P/1). He admitted his signatures on A to A part of the same.
10. PW-11 Dr. D. K. Sao, surgeon of CIMS Bilaspur stated that he treated the complainant who was admitted in CIMS, Bilaspur on 26.06.2007 and his treatment documents are Ex-P/20. Both the doctors in their cross-examination admitted this suggestion of defence that about injuries, they did not opine that whether the injuries were grievous in nature or dangerous to life.
11. The complainant (PW-8) stated about assault by the appellant by knife and independent witnesses PW-5 Amar Das and PW-10 Suresh supported the statement of complainant and they remained firm in their cross-examination so it is proved that on



the date of incident the appellant assaulted him by knife and complainant sustained injuries, but both doctors PW-1 Dr. S. M. Haq and PW-11 Dr. D. K. Sao did not state anything that whether injuries sustained by the complainant were grievous in nature or dangerous to his life.

12. The Hon'ble Supreme Court in the matter of **Sivamani and another vs State represented by Inspector of Police**, reported in **2023 SCC Online SC 1581** held in para 9 as under:-

“9. In [State of Madhya Pradesh v Saleem](#), (2005) 5 SCC 554, the Court held that to sustain a conviction under [Section 307](#), IPC, it was not necessary that a bodily injury capable of resulting in death should have been inflicted. As such, non-conviction under [Section 307](#), IPC on the premise only that simple injury was inflicted does not follow as a matter of course. In the same judgment, it was pointed out that ‘...The court has to see whether the act, irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in the section.’ The position that because a fatal injury was not sustained alone does not dislodge [Section 307](#), IPC conviction has been reiterated in [Jage Ram v State of Haryana](#), (2015) 11 SCC 366 and [State of Madhya Pradesh v Kanha](#), (2019) 3 SCC 605. Yet, in [Jage Ram](#) (supra) and [Kanha](#) (supra), it was observed that while grievous or life-threatening injury was not necessary to maintain a conviction under [Section 307](#), IPC, ‘The intention of the accused can be ascertained from the actual injury, if any, as well as from surrounding circumstances. Among other things, the nature of the weapon used and the severity of the blows inflicted can be considered to infer intent.’”

13. In light of above, it is clear that prosecution has failed to prove any grievous injury or any injury which can be dangerous to life of the complainant but looking to the statement of complainant and other witnesses it is clear that the prosecution has proved this



fact that on the date of incident, the appellant assaulted the complainant by knife and he sustained simple injuries, but the learned Trial Court did not appreciate all these aspects of the matter so conviction of the appellant is liable to be altered under Section 324 of IPC in place of Section 307 of IPC. Accordingly, the conviction of the appellant is altered from Section 307 to Section 324 of IPC.

14. As regards sentence, it is clear that the incident took place in the year 2007, this appeal is pending since 2008, the appellant remained in jail for more than 2 years and has never misused the liberty granted by this Court and presently he is aged about 47 years, therefore, ends of justice would be served if the appellant is sentenced to the period already undergone by him. Accordingly, the appellant is sentenced to the period already undergone by him.
15. The appeal is partly allowed.
16. The appellant is reported to be on bail.
17. Keeping in view the provisions of section 481 of BNSS 2023, the appellant is directed to furnish a personal bond for a sum of Rs.25,000/- before the Court concerned forthwith, which shall be effective for a period of six months along with an undertaking that in the event of filing of Special Leave Petition against the instant judgment or for grant of leave, the aforesaid appellant on receipt of notice thereof, shall appear before the Hon'ble Supreme Court.



18. The Trial Court's record along with the copy of this judgment be sent back immediately to the trial Court concerned for compliance and necessary action.

Sd/-

Rajani Dubey  
Judge

Nirala