



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1949 of 2025

1 - Rajkumar Dhruv S/o Sudarshan Dhruv Aged About 53 Years R/o Danitola Ward Sahu Para, Police Station City Kotwali, District : Dhamtari, Chhattisgarh

2 - Nishant Kumar Dhruv S/o Rajkumar Dhruv Aged About 21 Years R/o Danitola Ward Sahu Para, Police Station City Kotwali, District : Dhamtari, Chhattisgarh

... Appellants

versus

State of Chhattisgarh Through The Police Station City Kotwali, Dhamtari, District : Dhamtari, Chhattisgarh

... Respondent

(Cause-title is taken from CIS)

For Appellants : Mr. Shobhit Koshta, Advocate

For Respondent/State : Mr. Karan Kumar Bahrani, Panel Lawyer

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

12.03.2026

- 1.** This appeal has been preferred under Section 415(2) of BNSS, 2023 challenging the impugned judgment of conviction and order of sentence dated 29.08.2025 passed by learned Additional Sessions Judge (FTC) Dhamtari, District Dhamtari (C.G.), in Session Trial No.43/2024, whereby the appellants have been convicted as under:-

<u>Conviction</u>	<u>Sentence</u>
Under Section 307 R/w	5 years rigorous imprisonment



Section 34 of IPC	and fine of Rs.2,000/- each, in default of payment of fine, to undergo additional 1 year's RI
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2. The case of the prosecution is that, the complainant Yuvraj Sahu (PW-2) lodged an oral report at the City Kotwali police station stating that he resides in Sahu Para, Dhanitola Ward, Dhamtari. On 02.06.2024, at 10:30 PM, his father, Askaran Sahu, returned home from work and was strolling outside near Goura Chaura square. At that time, the accused, Rajkumar Dhruv, arrived and broke a beer bottle in Goura Chaura, using abusive language. When his father, Askaran Sahu, objected, the accused, Rajkumar Dhruv, became enraged, went home, and returned with his son, Nishant Dhruv @ Deepu Dhruv, armed with a sharp knife, while Nishant Dhruv held a broken beer bottle. Together, they attacked his father with the intent to kill, inflicting grievous injuries on his abdomen, chest, and other parts of the body with the knife and broken bottle. The informant's father cried out, and he intervened to separate them. Neighbors, including Chandrashekhhar Dhuria, Manendra Sahu, and Promod Walde, arrived and helped him rescue his father. The accused then fled the scene. His father was taken to District Hospital, Dhamtari, and later to Gupta Hospital for treatment. Based on the complainant's report, the City Kotwali police station registered the FIR. After completion of investigation, charge sheet was filed against the appellants.
3. During the course of trial, in order to bring home the offence, prosecution examined as many as 11 witnesses and exhibited 33 documents in support of its case. The statements of the appellants / accused were also recorded under Section 313 of Cr.P.C. in which they denied the circumstances appearing against them in the evidence brought on record by the prosecution, pleaded innocence and false implication.
4. Learned trial Court, after appreciation of oral and documentary



evidence on record, acquitted appellant Rajkumar Dhruw under Sections 25, 27 of the Arms Act, however convicted and sentenced the appellants as mentioned in the opening paragraph of this judgment, against which the present appeal has been preferred by the appellants questioning the legality, validity and correctness of the impugned judgment.

5. Learned counsel for the appellants submits that he does not want to press this appeal on merits and confines his argument only on sentence part. He submits that the appellants are father and son. The appellant No.1 is aged about 55 years and the Appellant No.2 is aged about 23 years and having family responsibilities. Out of 5 years of jail sentence, they already remained in jail for about 1 year, 3 months and 3 days. The incident took place in the year 2024 and since then they are facing the *lis*. They have already deposited the fine amount. Hence, by considering all these aspects, the sentence of the appellants may be reduced to the period already undergone by them in the interest of justice.
6. Per contra, learned counsel appearing for the State, supported the impugned judgment and opposed the arguments advanced on behalf of the Appellants.
7. Heard learned counsel for the parties and perused the record including the impugned judgment.
8. Dr. Sumit Gupta (PW-9) who conducted medical examination of injured Askaran Sahu in his Court statement stated that the injured sustained two injures; one on his stomach region size 2 cm and the another one on his chest region size 1 cm. The injuries sustained by the injured were caused by the sharp object.
9. Having gone through the material available on record and the evidence of Dr. Sumit Gupta (PW-9), his report (Ex.P-27), injured Askaran (PW-1) and complainant Yuvraj Sahu (PW-2), establish the involvement of the Appellants in the crime in question. This



Court does not find any illegality or infirmity in the finding recorded by the Trial Court as regards the conviction of the appellants for offence punishable under Section 307 R/w Section 34 of the IPC which is based on evidence available on record and it is hereby affirmed.

10.As regards the sentence, in the matter of **Mohammad Giasuddin v. State of Andhra Pradesh** reported in **(1977) 3 SCC 287**, Hon'ble Supreme Court has observed that if you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him and, men are not improved by injuries and held in para-9 as follows:

"9. Western jurisprudes and 'sociologists, from their own angle have struck a like note. Sir Samuel Romilly, critical of the brutal penalties in the then Britain, said in 1817:

"The laws of England are written in blood". Alfieri has suggested 'society prepares the crime, the criminal commits it'. George Nicodotis, Director of Criminological Research Centre, Athens, Greece, maintains that 'Crime is the result of the lack of the right kind of education.' It is thus plain that crime is a pathological aberration, that the criminal can ordinarily be redeemed, that the State has to rehabilitate rather than avenge. The sub-culture that leads to anti-social behaviour has to be countered not by undue cruelty but by re-culturisation. Therefore, the focus of interest in penology is the individual, and goal is salvaging him for society. The infliction of harsh and savage punishment is thus a relic of past and regressive times. The human today views sentencing as a process of reshaping a person who has deteriorated into criminality and the modern community has a primary stake in the rehabilitation of the offender as a means of social defense. We, therefore consider a therapeutic, rather than an in 'terrorem' outlook, should prevail in our criminal courts, since brutal incarceration of the person merely produces laceration of his mind. In the words of George Bernard Shaw: 'If you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him



and, men are not improved by injuries'. We may permit ourselves the liberty to quote from Judge Sir Geoffrey Streatfield: "If you are going to have anything to do with the criminal Courts, you should see for yourself the conditions under which prisoners serve their sentences."

11. In the light of the decision of the Hon'ble Supreme Court in the case of **Mohammad Giasuddin** (supra) and keeping in view the fact that the appellants are father and son and having family responsibilities. They have no criminal antecedents. They are facing the *lis* since 2024. They have already remained in jail for about 1 year, 3 months and 3 days. Considering all these facts, this Court opines that justice would be served if the appellants' sentence is reduced from 5 years to 1 year and 6 months.
12. Accordingly, the conviction of the appellants for offence under Section 307 R/w Section 34 of IPC is maintained and the sentence is reduced from 5 years to 1 year and 6 months. However, the fine amount and its default stipulation as imposed by the Trial Court shall remain intact.
13. The appellants have already served 1 year, 3 months and 3 days of jail sentence, this period be set off to the period of sentence as imposed upon them today by this Court.
14. Consequently, the appeal is **partly allowed** to the extent indicated hereinabove.
15. Let a certified copy of this judgment along with the original record be transmitted to the trial Court concerned. A copy of this judgment be also transmitted to the concerned Jail Superintendent where the appellants are serving their sentence, for information and necessary action, if any.

Sd/-
(Sanjay Kumar Jaiswal)
Judge