



2026:CGHC:12788

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 1637 of 2025**

Narayan Yadav S/o Faguva Yadav Aged About 35 Years R/o Village Sarangpur Kala P.S. Bodla, District - Kabirdham Chhattisgarh

... Appellant**versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Bodla, District - Kabirdham Chhattisgarh

... Respondent

(Cause-title is taken from CIS)

For Appellant : Mr. Ashish Tiwari, Advocate

For Respondent/State : Ms. Laxmeen Kashyap, P.L.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Judgment on Board****17.03.2026**

1. This appeal has been preferred under Section 415(2) of BNSS, 2023 challenging the impugned judgment of conviction and order of sentence dated 18.07.2025 passed by learned Sessions Judge, Kabirdham (Kawardha) (C.G.), in Session Case No.38/2021, whereby the appellant has been convicted as under:-

| <u>Conviction</u> | <u>Sentence</u> |
|--------------------------|---|
| Under Section 307 of IPC | 7 years rigorous imprisonment and fine of Rs.2,000/-, in default of payment of fine, to undergo |



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| | additional 3 months' RI |
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2. The case of the prosecution is that on 29.03.2021, at 5:00 pm, the complainant Mohit Yadav's father, Jagua Yadav (injured), was returning home after grazing cattle when the accused, Narayan Yadav, started abusing him with obscene language and threatening to kill him over a land dispute. The accused hit Jagua Yadav with a bamboo stick on his head and knee. When the complainant arrived, the accused fled with the stick. Jagua Yadav informed his family about the incident, and he was taken to the hospital. On the basis of above, FIR was registered against the appellant. Statements of witnesses were recorded and after completion of entire investigation, charge sheet was filed against the appellant.
3. During the course of trial, in order to bring home the offence, prosecution examined as many as 9 witnesses and exhibited 18 documents in support of its case. The statement of the appellant / accused was also recorded under Section 313 of Cr.P.C. in which he denied the circumstances appearing against him 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 the appellant of offence under Sections 294 and 506(B) of IPC. However, convicted and sentenced him as mentioned in the opening paragraph of this judgment, against which the present appeal has been preferred by the appellant questioning the legality, validity and correctness of the impugned judgment.
5. Learned counsel for the appellant submits that he does not want to press the appeal on merits and confines his argument only on sentence part. He submits that the appellant is now aged about 40 years, he was a labour and having family responsibilities. Out



of 7 years of jail sentence, he has already remained in jail for about 9 months and 18 days. The incident took place in the year 2021 and since then he is facing the *lis*. He has no criminal antecedents. Hence, by considering all these facts, the sentence of the appellant may be reduced to the period already undergone by him in the interest of justice.

6. Per contra, learned counsel appearing for the State, supported the impugned judgment and opposed the argument advanced on behalf of the appellant. She submits that the injured was aged about 62 years, he has supported the case of prosecution. Hence, looking to the nature of offence and injuries sustained by the injured, the appeal of the appellant may be dismissed.
7. Heard learned counsel for the parties and perused the record including the impugned judgment.
8. Dr. Wilson Kujur (PW-3) who conducted medical examination of injured Jaguva Yadav in his Court testimony stated that he examined the injured and found the following injuries:

1. A lacerated wound on the left parietal region of the head, measuring 7x0.5x0.5 cm.
2. A lacerated wound on the right parietal region of the head, measuring 3x0.5x0.5 cm.
3. A cut wound below the left knee, measuring 1x0.2x0.2 cm.
4. A bruised wound below the right knee with swelling and pain.
5. A bruised wound on the outer part of the left arm with swelling and pain.
6. A cut wound on the outer part of the left arm, measuring 4x0.5x0.5 cm.

He advised a CT scan and X-ray of the head and referred the injured to the district hospital, Kawardha, for further treatment. His report is Exhibit P-5.

9. Dr. Byas Narayan Chandravanshi (PW-2) who also conducted



medical examination of injured Jaguva Yadav in his Court testimony stated that he examined the injured and found the following injuries:

1. An abrasion on the left leg, measuring 2x1 cm.
2. A stitched wound on the left parietal region of the head, measuring 10 cm.
3. A stitched wound on the right parietal region of the head, measuring 12 cm.
4. Fractures in both clavicle bones.
5. Fracture of the ulna bone in the right hand.
6. Fractures in the index and middle fingers of the right hand.
7. Fracture of the 5th rib on the left side of the sternum.

The CT scan report showed:

Contusions measuring 22x20 mm in the right parietal region and 13x9 mm in the right temporal lobe. Subarachnoid hemorrhage in the bilateral parietal region and right temporal parietal lobe. Swelling of the entire brain. Fracture of the facial bone below the right eye. Fracture of the bone on the side of the right eye. Fracture of the right parietal bone. Swelling of the temporo-parietal soft tissue on the head. His report is Exhibit P-2.

10. Having gone through the material available on record and the evidence of Dr. Wilson Kujur (PW-3), his report Ex.P-5, Dr. Byas Narayan Chandravanshi (PW-2), his report Ex.P-2, injured Jaguva (PW-4) and complainant Mohit Yadav (PW-9), establish the involvement of the appellant 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 appellant for offence punishable under Section 307 of IPC which is based on evidence available on record and it is hereby affirmed.

11. 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 Jeffrey 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."

12. 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 appellant is now aged about 40 years, he was a labour and having family responsibilities. He has no criminal antecedents. He is facing the *lis* since 2021. he already remained in jail for about 9 months and 18 days. Considering all these facts, this Court opines that justice would be served if the appellant's sentence is reduced to the period from 7 years to 2 years.

13. Accordingly, the conviction of the appellant for offence under Section 307 of IPC is maintained and the sentence is reduced from 7 years to 2 years. However, the fine amount is enhanced from Rs.2,000/- to 20,000/-. In default of payment of fine, he shall liable to undergo 6 months of rigorous imprisonment. If any amount of fine was deposited, will be adjusted in Rs.20,000/-.
14. The fine amount of Rs. 20,000/- to be deposited by the Appellant herein, after verification will be disbursed to injured Jaguva (PW-4).
15. The appellant has already served 9 months and 18 days of jail sentence, this period be set off to the period of sentence as imposed upon him today by this Court.
16. Consequently, the appeal is **partly allowed** to the extent indicated hereinabove.
17. 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 appellant is serving his sentence, for information and necessary action.

Sd/-
(Sanjay Kumar Jaiswal)
Judge