



2026:CGHC:15460

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 73 of 2024**

1 - Ghasiram Suryavanshi S/o Shri Amarnath Suryavanshi Aged About 65 Years R/o Village Bahtarai, Police Station Sakri, District : Bilaspur, Chhattisgarh

2 - Sanjay Suryavanshi S/o Ghasiram Aged About 32 Years R/o Village Bahtarai, Police Station Sakri, District : Bilaspur, Chhattisgarh

3 - Nanku @ Pardeshi Ram Suryavanshi S/o Amarnath Aged About 59 Years R/o Village Bahtarai, Police Station Sakri, District : Bilaspur, Chhattisgarh

4 - Naresh Kumar S/o Nankuram Suryavanshi Aged About 36 Years R/o Village Bahtarai, Police Station Sakri, District : Bilaspur, Chhattisgarh

... Appellants**versus**

1 - State Of Chhattisgarh Through Station House Officer, Police Chowki Sakri, District : Bilaspur, Chhattisgarh

... Respondent

For Appellants	:	Mr. Hrishabh Deo Shukla, Advocate.
For Respondent/State	:	Mr. Sumit Singh, Dy. A.G.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order on board****06/04/2026**

1. The present appeal has been filed under Section 374(2) of Cr.P.C. against the order/judgment dated 19.12.2023 passed by

learned Fourth Additional Sessions Judge, Bilaspur (C.G.) in Sessions Trial No. 282/2021, whereby, the learned Judge has convicted and sentenced the appellants as under:-

Conviction	Sentence
U/s 323 (3 times) of IPC	S.I. for 3 months to each and a fine of Rs. 500/- for each injured total Rs. 1500/- each, in default of payment of the fine amount, additional S.I. for 15 days each.

(All the sentence were directed to run concurrently).

2. Brief facts of the case are that on 11.03.2021, at about 7:00 pm, complainant Narayan Rao (PW-1) came to know that the present appellants were assaulting his brother due to old enmity. After knowing this fact, the complainant reached the spot to rescue his brother, and in the meantime, the appellants also assaulted him. As a result, the complainant, Narayan Rao (PW-1), Bholu Maratha (PW-4), and Savitri Bai (PW-2) have sustained injuries, and the matter was reported to the police. Based on this FIR was lodged. After completion of the investigation, charge sheet was filed against the appellants.

3. So as to hold the accused/appellants guilty, the prosecution has examined as many as 9 witnesses and exhibited 11 documents. The statements of the accused/appellants were also recorded under Section 313 of the Cr.P.C. in which they denied the circumstances appearing against them and pleaded innocence and false implication in the case.

4. After hearing the parties, vide judgment of conviction and

order of sentence dated 19.12.2023, learned Judge has acquitted the appellants for the offence under Sections 294 and 506 Part-II of IPC. However, the present appellants have been convicted and sentenced as mentioned in para-1 of this judgment. Hence, the present appeal.

5. Learned counsel for the appellants submits that he is not pressing the appeal so far as it relates to the conviction part of the judgment and would confine his argument to the sentence part thereof only. According to him, the incident is said to have taken place in the year 2021, and thereby more than 5 years have rolled by since then. The appellants have already paid the fine amount, they have no criminal antecedents; therefore, in the interest of justice, it would be appropriate if the sentence imposed upon them could be set aside by enhancing the fine amount, and the matter may be disposed of.

6. Per contra, Learned Counsel appearing for the State/Respondent opposed the arguments advanced on behalf of the appellant and supported the impugned judgment of conviction and sentence.

7. Having gone through the material on record and the evidence of the witnesses Narayan Rao (PW-1), Savitri Bai (PW-2), Malti Bai (PW-3), Bholu Maratha (PW-4), Dr. Rizwan Siddiqui (PW-7), Bharat Lal Soni (PW-8) and Omprakash Parihar (PW-9), establishes the involvement of the accused/appellants in the crime in question. Thus, considering the oral and documentary

evidence available on record, this Court does not see any illegality in the findings recorded by the trial Court as regards conviction of the appellants under Section 323 (3 times) of IPC.

8. As regards 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 jurisprudence 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-culturation. 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."

9. In the light of the decision of the Supreme Court in the case of **Mohammad Giasuddin** (supra) and keeping in view the facts that the incident has taken place in the year 2021 and at present appellant No.1 Ghasiram is aged about 70 years, as per arrest memo he is illiterate and is a farmer; appellant No. 2 Sanjay is aged about 37 years, as per arrest memo he has studied upto 8th class and is a labour; appellant No. 3 Nanku is aged about 64 years, as per arrest memo he is illiterate and is a labour and appellant No. 4 Naresh is aged about 41 years, as per arrest memo he has studied upto 10th class and is a labour, they have no criminal antecedents, this court thinks that the ends of justice would be served if their jail sentence is set aside by enhancing fine amount.

10. Accordingly, the conviction of the appellants for the aforesaid offence is maintained, but their jail sentence is set aside. However, the fine of Rs. 500/- (3 times) imposed upon each of the appellants by the Trial Court for the offence under Section 323 (3 times) of IPC is hereby enhanced to Rs. 1,000/- (3 times) i.e. each of the appellants shall pay a total compensation of Rs. 3,000/- In default of payment of the fine amount

imposed/enhanced by this Court today, the appellants shall be liable to undergo S.I. for 30 days. Fine amount, if any, already deposited by the appellants shall be adjusted.

11. Consequently, the appeal is **allowed in part** to the extent indicated herein-above.

12. The appellants are on bail. They need not to surrender in this case.

13. When the total fine amount of ₹12,000/- has been deposited, each victim, i.e. Narayan Rao, Bhola Maratha and Savitri Bai, shall be awarded ₹4,000/- 4,000/-, as compensation after due verification.

14. Let a certified copy of this order along with original record be transmitted forthwith to the trial Court concerned for information and necessary action, if any.

Sd/-
(Sanjay Kumar Jaiswal)
JUDGE

H.L. Sahu