

(2019) 02 CHH CK 0438

Chhattisgarh High Court

Case No: Criminal Appeal No. 534 Of 2001

Babloo alias Jakir Hussan And

Ors

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Feb. 25, 2019

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 307
- Code Of Criminal Procedure, 1973 - Section 437A

Hon'ble Judges: Sharad Kumar Gupta, J

Bench: Single Bench

Advocate: Suresh Tandon, Wasim Miyan

Final Decision: Allowed

Judgement

Conviction under Section,Sentence,Fine sentence

307/34, IPC",RI for 5 years,"Rs. 500/-, in default of payment of fine to undergo

SI for 1 month

the IPC."",,

15. Looking to the facts and circumstances of the case it cannot be said that the deceased appellant No. 1 Bablu alias Jakir Husain allegedly caused,,

knife injuries on the body of the complainant Brijesh Singh in furtherance of common intention of other co-accused. Thus, aforesaid judicial precedents",,

laid down by Hon'ble Supreme Court in the matter of Pandurang Tukia (supra), Akhlaq (supra) and Dayashankar (supra) are applicable against the",,

prosecution case and in favour of appellant No. 2 Kasam Ali.,,

16. After the appreciation of the evidence discussed herebefore, this Court finds that prosecution failed to prove the charge punishable under Section",,,

307/34 of the IPC or its lesser offence against appellant No. 2 Kasam Ali. Thus, the trial Court had committed illegality in convicting and sentencing",,,

the appellant No. 2 Kasam Ali as aforesaid. Thus, the impugned judgment of conviction and order of sentence are hereby set aside as regards",,,

appellant No. 2 Kasam Ali and he is acquitted of the charge punishable under Section 307/34, IPC.",,,

17. Appellant No. 2 Kasam Ali is in Central Jail in another case, the concerned jail authority be intimated about his acquittal in this case.",,,

18. Appellant is reported to be on bail. His bail and bond shall continue for a further period of six months as per requirement of Section 437-A, Cr.P.C.",,,

19. Appeal allowed.,,