

**(2018) 02 CHH CK 0121**

**Chhattisgarh High Court**

**Case No:** Criminal Appeal (CRA) No. 2518 Of 1999

Ramesh Kolta And Ors

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

**Date of Decision:** Feb. 7, 2018

**Acts Referred:**

- Indian Penal Code, 1860 - Section 34, 294, 307, 323, 324, 341
- Code Of Criminal Procedure, 1973 - Section 313, 357

**Hon'ble Judges:** Pritinker Diwaker, J

**Bench:** Single Bench

**Advocate:** Rajendra Tripathi, Rahul Tamaskar

**Final Decision:** Allowed

**Judgement**

Appellant,Conviction (U/s),Sentence

Ramesh Kolta,326 IPC,RI for 03 years with fine of Rs. 1000/-

,324 IPC,RI for 01 year with fine of Rs. 500/-

KishoreÂ Â Kolta,

Narayan Kolta

&Â Â Â Â Â Chheliya

Kolta",326/34 IPC,"RI for 03 years with fine of

Rs. 1000/- each

,324/34 IPC,RI for 01 year with fine of Rs.500/- each

PW-7 was grievous in nature and sufficient to cause death if the medical treatment was not provided immediately. K.K. Singh (PW-10) is the,,

investigating officer who has duly supported the case of the prosecution.,,

9. Close scrutiny of the material available on record including the evidence of the injured witnesses and the doctor (PW-1) who medically examined,,

the victims PW-7, PW-8 and PW-9 as also the seizure of axe and club made under Ex. P-22 and P-26, this Court is of the opinion that complicity of",,

the accused/appellants in the crime in question has been duly proved by the prosecution and therefore, their conviction as described above does not",,

appear to suffer from any legal flaw. Accordingly, it is hereby affirmed. However, keeping in mind the peculiarity of the things, incident being 23 year",,

old, the fact that the accused/appellants have already remained in jail for about two months and that by now on account of reaching the advance age",,

they must have been saddled with huge family responsibilities, this Court is of the opinion that at this stage no useful purpose would be served in again",,

sending them to jail because ultimately it will, for nothing, unsettle their somehow settled life and may give a push to the domain of crime. Considering",,

all that, the sentence imposed on the accused/appellants is reduced to the period already undergone by them by directing each to give Rs. 5,000/- total",,

being Rs. 20,000/- to be paid as compensation in terms of Section 357 of the Code of Criminal Procedure. Out of this total sum, Rs. 12,000/- would be",,

given to injured Jogindro and Rs. 4000/- each to Vikram and Shoukilal. If the amount directed is not deposited before the trial Court within a period of,,

six months, the accused/appellants shall be required to be inside for another six months.",,

10. With the aforesaid, the appeal is allowed in part.",,