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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE VIVEK JAIN
ON THE 29th OF DECEMBER, 2023
CRIMINAL APPEAL No. 1133 of 1999**

BETWEEN:-

**SADDU @ SUDESH S/O SHRI GANGARAM SONKAR,
AGED ABOUT 22 YEARS, R/O 1350, EAST KARIYA
PATHAR, PREMSAGAR, THANA HANUMANTAL,
JABALPUR (MADHYA PRADESH)**

.....APPELLANT

(NONE FOR THE APPELLANT)

AND

**THE STATE OF MADHYA PRADESH THOUGH : STATION
HOUSE OFFICER, HANUMANTAL, JABALPUR (MADHYA
PRADESH)**

.....RESPONDENT

(BY SHRI SOURABH SONI - PANEL LAWYER)

*This appeal coming on hearing this day, the court passed the
following:*

JUDGMENT

The present appeal has been filed against the judgment of conviction dated 15.04.1999, whereby the present appellant has been convicted for offence under Section 326 of the I.P.C. and sentenced to undergo R.I. for four years, with default stipulation.

2 . The prosecution case in brief is that the incident occurred on 18.03.1997 when the complainant was returning home at around 11.15 pm in the night. Co-accused - Munna is said to have called out to him. When the complainant went there, then he saw the other accused persons were also

present there and as soon as the complainant reached the place, the accused Saddu assaulted him on head with a sharp edged object, accused Hemraj tried to stab him in chest, which was dodged by the complainant, but the knife hit him in left wrist. Accused Munna also stabbed him on left wrist. When he screamed for help then persons from neighborhood reached and rescued him.

3. The accused persons were initially tried under Section 307 of the I.P.C., but accused Saddu has been convicted under Section 326 and co-accused Hemraj and Munna have been convicted under Section 324 of the I.P.C.

4. Upon perusal of deposition of Kaushal (PW/1), Dr. Maya Verma (PW/10), Dr. Y.R. Yadav (PW/8), Shyamlal Sahu (PW/2) and other witnesses finding of the trial Court seems to be well reasoned and impeccable and I am unable to disturb the findings in appeal. Thus, the conviction of the appellants is confirmed.

5. The sentence needs to be modified looking to the mitigating circumstances of the case. The appellant was 22 years of age at the time of incident and today he must be almost 48 years of age. The appellant was on bail during investigation and trial and he is on suspension of sentence during the pendency of present appeal. There is nothing on record to suggest that he has misused the terms of bail during all these years. The appellant has already undergone jail sentence of one month and 17 days. He has been facing investigation and trial and is also contesting the present appeal since last about 24 years.

6. Considering the aforesaid mitigating circumstances, I deem it fit to reduce the jail sentence to one already undergone by the appellant, i.e. one month and 17 days and the fine amount Rs.5,000/- is imposed.

7. Let the fine amount be paid within three months from today failing which sentence originally awarded by the trial Court would come into force and the appellant will be taken into custody to serve out the remaining jail sentence.

8. Let record of the trial court be sent along with copy of this order for information and necessary action. Bail bonds of the appellant be discharged.

(VIVEK JAIN)
JUDGE

rj

