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

**BEFORE  
HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI**

**ON THE 29<sup>th</sup> OF DECEMBER, 2023**

**CRIMINAL APPEAL No. 6429 of 2020**

**BETWEEN:-**

**UMMED SINGH S/O RAM SAHAYPATEL, AGED ABOUT  
55 YEARS, OCCUPATION: AGRICULTURER R/O. GRAM  
PADUA THANA MADHAVNAGAR (MADHYA PRADESH)**

**.....APPELLANT**

**(BY SHRI AJAY KUMAR MISHRA - ADVOCATE)**

**AND**

**THE STATE OF M.P. THR AARSHI KENDRA  
MADHAVNAGAR DISTT. KATNI (MADHYA PRADESH)**

**.....RESPONDENT**

**(BY SHRI AMIT SHARMA - GOVERNMENT ADVOCATE FOR THE STATE)**

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

**JUDGMENT**

This appeal is directed against the judgment and order dated 08/12/2020 passed by Fifth Additional District Judge, Katni in S.T. No. 109/2015, whereby, the appellant has been convicted for the offence under Section 325 and 323 (two counts) of IPC and sentenced to undergo RI of 3 years, and SI of 1 month respectively, with the default stipulations.

2. The incident was reported to the P.S. Madhav Nagar, district Katni where FIR (Exhibit-P/5) was registered on Crime No. 109/2015 under Section 323, 324 and 506 of IPC. After completion of the investigation charge-sheet was filed. Learned trial Court vide impugned judgment convicted and sentenced

the appellant as mentioned herein above.

3. Learned counsel for the appellant challenging the finding of conviction and sentence submits that learned trial Court has ignored serious anomalies, contradictions and omissions present in the testimony of the injured and other prosecution witnesses and hence prays for acquittal. In the alternative limb of the prayer, he submits that appellant has remained in jail for 70 days. Incident is of year 2015, more than 8 years back. Appellant has no criminal antecedents, therefore, taking the lenient view, jail sentence may be reduced to the period already undergone.

4. Learned counsel for the State supports the impugned judgment and prays for dismissal of the appeal.

5. Heard the learned counsel for the parties at length and perused the record.

6. Evidence adduced in support of the allegations with regard to the offence under Section 325 and 323 of IPC is clear, cogent, consistent and free from any material infirmity and anomaly. Testimonies of the injured Ramavatar (PW-1), Dhananjaya Singh (PW-2) and Balkishan Chouhan (PW-3) have been duly corroborated with FIR (Exhibits-P/1) and MLC report, which are duly proved, therefore, finding of conviction cannot be interfered with and is hereby affirmed.

7. As regards the sentence, the prayer made on behalf of the appellant appears to be reasonable. The incident took place more 8 years back. The appellant faced trial and appeal during this long period of time. No criminal antecedents are attributed to the appellant, therefore, the period of jail sentence deserves to be reduced to the period already undergone.

8. Accordingly, this appeal is partly allowed. The conviction of the appellant

is affirmed. The jail sentence is reduced to the period already undergone. The fine amount imposed for offence under Section 325 is enhanced by Rs.3000/-, which will be deposited by the appellant within a period of two months from the date of judgment of this Court, failing which, he will have to undergo RI for three months. His bail bond and personal bond stand discharged.

9. Let record of the learned trial Court along with the copy of the judgment of this Court forthwith be sent back for compliance and necessary action.

C.C. as per rules.

K.S.

**(BINOD KUMAR DWIVEDI)**  
**JUDGE**

