



2026:AHC-LKO:3273-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. 980 of 2001

Bhoolan and Ors.Appellants(s)

Versus

State of U.P.Respondents(s)

Counsel for Appellant(s) : Shishir Pradhan, Kunwer Dhananjay Singh

Counsel for Respondent(s) : Govt. Advocate, Onkar Singh, Rajesh Srivastava, Uma Kant Gupta

A.F.R.

Court No. - 10

Reserved on : 26.11.2025

Delivered on : 16.01.2026

**HON'BLE RAJNISH KUMAR, J.
HON'BLE ZAFEER AHMAD, J.**

(*Per Zafeer Ahmad, J.*)

1. Heard Sri Akhilesh Kumar Mishra holding brief of Sri Kunwar Dhananjay Singh learned counsel for the appellant no. 2 and 3, Sri Shishir Pradhan learned counsel for the appellant no. 4, Sri

Arunendra learned A.G.A for the State, and Sri Uma Kant Gupta learned counsel for complainant and perused the record.

2. The aforesaid criminal appeal arises out of order and judgment dated 15.10.2001 passed by VIIth Additional Sessions Judge, Raebareli in S.T. No. 210 of 1995 (*State v. Bhoolan & others*) arising out of Case Crime no. 13 of 1993, wherein the applicants have been convicted and sentenced to undergo life imprisonment u/s 304 IPC r/w 34 Indian Penal Code (in short IPC), one year rigorous imprisonment u/s 325 IPC r/w 34 IPC, six months rigorous imprisonment u/s 504, 323 r/w 34 IPC, one year rigorous imprisonment u/s 506(2) along with a fine of Rs. 2000/- each and in default of payment of fine six months rigorous imprisonment each. It has further been provided that all the sentences shall run concurrently.
3. The appellant no. 1, namely, Bhullan, passed away during the pendency of the appeal, therefore, the appeal on behalf of the appellant no. 1 stands abated. The appeal survives only on behalf of appellants no. 2, 3 and 4.

Prosecution Story in Nutshell:

4. The prosecution story, in brief, is that the complainant Lalla Prasad, son of Jageshwar Pasi (deceased), resident of village Asharafpur, Police Station Nasirabad, District Raebareli, lodged a written report (Ext. Ka-1) stating that there exists an old land dispute between him and Bhullan and others of the village. On 04.03.1993, at around 8:00 PM, the complainant along with his

father, Jageshwar (deceased), and companions; Om Prakash (*vakil*) and Hari Prakash, were returning home from Nasirabad. When they reached ahead of Asharafpur bridge, the accused persons namely, Bhullan (hereinafter referred as A1) son of Shivnath and the son's of Ram Dulare, namely Surajpal (hereinafter referred as A2), Brijlal (hereinafter referred as A3) and Jagatpal (hereinafter referred as A4), who were sitting there armed with *lathis* and *dandas*, stopped them and started hurling abuses. They then assaulted the father of the complainant, Jageshwar as well as Om Prakash with the *lathi* and *danda*.

5. Furthermore, when Hari Prakash attempted to intervene, he too was assaulted. On hearing the cries for help, villagers namely Vishram son of Sheetal, Gayadin son of Bechu, Udayraj son of Nattu, etc. reached the spot, whereupon the accused persons fled towards their houses after extending threats to kill. The father of the complainant sustained fractures on his arms and legs alongwith multiple other injuries on his body. He was brought on a *charpai* (cot) to the police station by the complainant for lodging the report, whereas Om Prakash and Hari Prakash were carried home by their respective family members.
6. On the bases of the written report a FIR was registered under Section 323, Section 325, Section 504, and Section 506 of IPC (Ext. Ka-2) and the G.D. entry of the same was made (Ext. Ka-3). The injuries of Jageshwar, Om Prakash and Hari Prakash were examined by the doctor at the Primary Heath Centre, Jais on

04.03.1993 (Ext. Ka-15, Ext. Ka-16, and Ext. Ka-17) and X-rays of Hari Prakash and Om Prakash were conducted on 05.03.1993 (Ext. Ka-10, 11 & Ext. Ka-12,13 respectively). Furthermore, Jageshwar died in the District Hospital, Raebareli, so the post-mortem of the deceased was conducted at the District Hospital, Raebareli (Ext. Ka-14) and when the information regarding this was received at the police station, the G.D. entry of the same was made (Ext. Ka-18). The investigation officer prepared the site-plan (Ext. Ka-9), inquest of the dead body (Ext. Ka-20), letter to R.I. (Ext. Ka-21), letter to C.M.O. (Ext. Ka-22), *challan lash* (Ext. Ka-23), sketch of the dead body (Ext. Ka-24), and the sample of the seal (Ext. Ka-25).

7. Upon completion of investigation, a charge-sheet under Section 323, Section 325, Section 304, Section 34, Section 504, and Section 506(2) IPC was submitted against all the appellants (Ext. Ka-8) and the case was committed to Sessions Court, Raebareli. All the appellants pleaded not guilty and denied participation or complicity in the incident.
8. To prove its case, the prosecution examined ten witnesses; PW-1 Lalla Prasad (complainant), PW-2 Om Prakash Khare, PW-3 Hari Prakash Khare, who are the witnesses of the fact, and PW-4 H.C.P. Ram Sahai Bhargav, PW-5 Devi Prasad Yadav, PW-6 Vinod Prakash, PW-7 Dr. S.S. Trivedi, PW-8 Dr. U.C. Sharma, PW-9 Dr. K.P.S. Chauhan, and PW-10 S.I. Sadhna Gupta, who are formal

witnesses and have proved various steps in the investigation and medical evidence.

9. Appellants did not produce any oral evidence in their defence. In their statements under Section 313 CrPC, the appellants have offered no explanation and simply denied complicity in the case. They further stated that they have been falsely implicated in the case on the basis of an existing enmity. Thus, the appellants pleaded innocence.
- 10.Upon a comprehensive appraisal of the oral and documentary evidence on record, the learned Trial Court convicted all the appellants and sentence to undergo life imprisonment under Section 304 r/w 34 IPC, one year rigorous imprisonment under Section 325 r/w 34 IPC, six months rigorous imprisonment under Section 504 r/w 34, Section 323 r/w 34 IPC, one year rigorous imprisonment under Section 506(2) along with a fine of Rs. 2000/- each and in default of payment of fine six months rigorous imprisonment each. It has further been provided that all the sentences shall run concurrently.

Submission made by learned counsel for the accused-appellant :-

- 11.Learned counsel for the accused-appellants submitted that the trial court has decided the matter on mere presumption and the appellants have been falsely roped. It is further argued that the occurrence took place in the night, with no source of light, and none have seen the occurrence. It is further argued that there exists no motive to commit the crime, as the land in the dispute

belonging to Gram Sabha. It is further argued that there is contradiction between ocular and medical evidence. It is further argued that no independent witnesses have been examined and there exists no premeditation of mind to commit the crime. Thus the impugned judgment and order is not sustainable and liable to be set aside and appeal is liable to be allowed.

Submission made by learned A.G.A :-

12. *Per contra*, learned A.G.A. has vehemently opposed the submissions advanced by the learned counsel for the appellants. He further submitted that the impugned judgment and order have rightly been passed by the learned trial court in accordance with law after considering the evidences and material available on record. Thus, learned A.G.A. submitted that the accused-appellants has rightly been convicted in accordance with law and sentenced accordingly. There is no illegality or error in the impugned judgment and order. It is further submitted that the appeal has been filed on misconceived and baseless grounds, which is liable to be dismissed.

Oral Testimonies:

In order to appreciate the issues arising in the present appeal, it is appropriate to examine, in brief, the oral evidence adduced by the prosecution.

13. **PW-1 Lalla Prasad**, son of the deceased Jageshwar and the complainant, appeared before the trial court on 10.08.2000 and deposed that there existed an ongoing land dispute between his

family and the appellants. He further deposed that on the date of incident, while returning home from Nasirabad along with his father Jageshwar, Om Prakash (*vakil*) and Hari Prakash, they were stopped and assaulted by the appellants with *lathis* and *dandas*. Initially, the appellants targeted his father and Om Prakash, but when Hari Prakash challenged, he was also assaulted. He further deposed that the incident occurred near *Mattan Nala*, about one kilometer from village Asharafpur. He further deposed that upon their cries for help, villagers namely, Vishram, Gayadin and Udayraj reached the spot, whereafter the accused fled towards the village hurling abuses and issuing threats to kill. He further deposed that his father sustained injuries on his left forearm and leg. He further deposed that he along with the villagers, carried his father on a *charpai* (cot) to the police station, while Om Prakash and Hari Prakash were taken to the village by others. A written report (Ext. Ka-1) was lodged at the police station. He further deposed that after lodging the report, his father was medically examined at Jais Hospital and, after receiving a preliminary treatment, was referred to the District Hospital Raebareli. He further deposed that his statement was recorded by the Investigating Officer and that his father succumbed to his injuries on 05.03.1993 at the District Hospital.

14. During cross-examination, he deposed that the appellants were carrying *lathis* and *dandas*, and A1 was also armed with a *kulhari* (axe). He further deposed that the injuries suffered by his father on

the left hand and left leg were caused by the said *kulhari* (axe), whereas Om Prakash and Hari Prakash did not receive *kulhari* (axe) blows. He further deposed that the villagers, namely Vishram, Gayadin, Udayraj, who arrived at the spot were unarmed and came from the direction of Asharafpur. He further deposed that the *lungi* of his father was torn and tied over the injuries. He further deposed that Om Prakash and Hari Prakash were left lying at the place of occurrence when he proceeded to the police station and he was unaware as to who brought them to the village later. He further deposed that the police station was about three kilometres away and he reached there around 9:00 PM. Around 1–2 hours thereafter, Om Prakash and Hari Prakash also arrived at the police station. He further deposed that the FIR was recorded in his presence while he was inside the police station. On the next date i.e. 19.08.2000, he deposed that the FIR was actually written outside the police station, 2–4 steps away from the gate and he resiled from his earlier version by stating that his deposition on the previous date was incorrect as he had been threatened for life. He further deposed that Ext. Ka-1 did not contain any second page. He further deposed that his father was the plaintiff in the land dispute, but there was no court hearing scheduled on the date of incident. He further deposed that he was unaware of the present status of that dispute, though he confirmed that his father used to visit Raebareli for *pairvi*. He further deposed that his father left for Nasirabad on the date of incident at approximately 3-4 PM in the

evening where he (PW-1) accompanied him (father). He further deposed that due to the darkness around and his nervousness, he could not identify people gathered apart from the villagers namely Vishram, Gayadin and Udayraj. He further deposed that he and his father reached Nasirabad at around 5:00 PM and waited for Hari Prakash and Om Prakash at the Nasirabad bus stand *chauraha* for a couple of hours, as they were expected to return from Allahabad and Raebareli respectively. He further deposed that upon being assaulted, his father became unconscious, though later regained consciousness at the police station and his statement was also recorded. He further deposed that none of the appellants attacked him even though he was shouting. He further deposed that there was a *pakka* road being constructed leading to Nasirabad in the west of *Mattan Nala*, while the road leading to Asharafpur was constructed of brick paved road with no stones or gravels nearby, although there are rocks to stop the flow of water near the bridge but there was none beneath. He further deposed that his shirt was not stained in blood while lifting and laying his father on the cot.

15. PW-2, Om Prakash Khare, advocate in the land dispute case, deposed that on 04.03.1993 at about 8:00 PM, while returning from Nasirabad to his village Asharafpur along with Hari Prakash Khare (his brother), Jageshwar and Lalla Prasad, he was assaulted near the *Mattan Nalla* by the appellants. He further deposed that the appellants were armed with *lathis* and *dandas*, and injuries were sustained by him, his brother and Jageshwar. He further

deposed that on hearing their cries, villagers namely, Vishram Paasi, Udayraj and Gayadin came to their rescue, whereupon the accused persons fled towards the village while hurling abuses and threats to kill. He further deposed that after the incident he was taken to his house by the villagers, whereas Jageshwar was taken to the police station. He further deposed that he along with Hari Prakash and other villagers subsequently reached the police station on a tractor. He further deposed that upon lodging of the FIR, they proceeded to the Jais P.H.C., from where they were referred to the District Hospital, where Jageshwar passed away, due to injuries, on 05.03.1993. He further deposed that the complainant was Lalla Prasad and that the assault by the appellants was due to the ongoing land dispute. He further deposed that the night of occurrence was bright.

16. During cross-examination, he further deposed that he was the counsel representing Jageshwar in his land dispute pending before the Court of Munsif Magistrate, Dalmau, which had commenced approximately six months prior to the incident. However, he did not know the appellants prior to the dispute, nor did he ever speak to them regarding the matter. He further deposed that he used to travel daily to Raebareli and would usually return in the evening when it was dark, as only a single bus used to operate between Raebareli and Nasirabad. He further deposed that the date of the incident might have been a Thursday and that there was no weekly market on that day, the market being held usually on Tuesdays and

Saturdays. He further deposed that his brother was a handwriting expert posted at Allahabad and used to reside there. He further deposed that the deceased and Lalla Prasad had come to Nasirabad by a bicycle and that the bicycle fell at the place of occurrence. He further deposed that Jageshwar was taken to the police station on a cot, but he could not recall who had brought the said (*charpai*) cot. He further deposed that he was first taken to Asharafpur, and after receiving preliminary aid, he was taken to the police station on a tractor. He further deposed that Jageshwar regained consciousness at the police station and was able to speak. He further deposed that his statement and that of his brother were recorded by the Police Inspector at the District Hospital. He further deposed that A1 was carrying a *lathi* at the time of occurrence and not an axe. He further deposed that there was no retaliatory action by them (victims) during the occurrence. He further deposed that it would be incorrect to suggest that due to darkness the appellants could not be identified or that someone else had caused the injuries.

17. PW-3, Hari Prakash Khare, deposed that on 04.03.1993, at about 8:00 PM, when they (victims) were crossing the *Mattan Nalla Bridge*, while returning from Nasirabad to Asharafpur, the appellants attacked them and caused injuries to Jageshwar, Om Prakash Khare (his brother) and himself. He further deposed that the accused belonged to Asharafpur and that he knew them prior to the incident owing to their frequent meetings. He further deposed that Jageshwar was taken to the police station on a cot, whereas he

and his brother were taken to the village on a bicycle; thereafter, upon receiving preliminary treatment, they proceeded to the Nasirabad Police Station on a tractor accompanied by other villagers. He further deposed that the same tractor was used to take them to the Jais P.H.C., where treatment was administered and their X-rays were conducted. He further deposed that he had no personal enmity with the accused and that they (victims) were assaulted as they resisted the appellants' actions.

18. During cross-examination, he further deposed that he had not sent any intimation regarding his arrival in Asharafpur and that Jageshwar and Lalla Prasad were returning home from Nasirabad Market. He further deposed that although he met several persons *en route* and exchanged greetings, he did not meet the villagers namely Vishram, Gayadin and Udayraj between Nasirabad and Asharafpur. He further deposed that upon his alarm for help, the said villagers arrived unarmed, followed by others, some of whom were carrying *lathis*, *dandas* and other weapons. He further deposed that none of the accused were carrying an axe at the time of the occurrence. He further deposed that no preliminary aid was administered to him or to Advocate Om Prakash at the village and after approximately 15–20 minutes they left for the Nasirabad Police Station. He further deposed that the incident occurred approximately 200–300 steps away from the *Mattan Nala* Bridge on the road to Asharafpur. He further deposed that he did not know the physical condition of Jageshwar or the time when he reached

the police station. He further deposed that it would be incorrect to suggest that Lalla Prasad was not present at the spot or that the appellants were being falsely implicated on account of any prior animosity.

19.PW-4 HCP Ram Sahai Bhargav, Police Station Saursa, District Hardoi, deposed that on 04.03.1993 he was posted as Head Constable and on the same day at around 09:15 PM, on the basis of a written complaint filed by Lalla Prasad, a case crime no. 13 of 1993 under Section 323, 325, 504, 506 IPC was registered against A1 and others on chik no. 10 of 1993 (Ext. Ka-2), and the corresponding entries were made in the G.D. report no. 33 (Ext. Ka-3). He further deposed that he had prepared injury letters for Jageshwar (Ext. Ka-4) and for Om Prakash and Hari Prakash (Ext. Ka-5 & Ext. Ka-6 respectively). He further deposed that on 07.03.1993, upon receipt of the post-mortem report submitted by Constable No. 315, Jarnadan Upadhyay of Police Station Kotwali, Raebareli, he amended the case so as to add Section 304 IPC and the corresponding entry was made through G.D. Entry No. 29 at about 07:15 PM (Ext. Ka-7).

20. During cross-examination, he deposed that he had amended the charges without receiving any order or report from a higher official or investigation officer and the said amendment was made on the basis of the post-mortem report and *Panchnama*, as it does not require the orders of any higher official. He further deposed that it is not necessary that the entry regarding the amendment of any

crime is to be made in G.D. only, upon an order from the investigating officer. He further deposed that the injury letters of Om Prakash and Hari Prakash was prepared by Constable Om Prakash Tiwari and the same has not been recorded in the G.D. He further deposed that it would be wrong to say that the *chik* FIR, written report, and the FIR was falsely registered in collusion with the Station-in-charge Vinod Prakash Srivastava. He further deposed that the appellant no. 1, Bhullan, was posted as *Chowkidar* in station at that time.

21. PW-5 Devi Prasad Yadav, Station Head Kakarwai District Jhansi, deposed that on 19.03.1993, he was posted as Station Head, Police Station Deeh, District Raebareli. He further deposed that the investigation of the present case was initially being conducted by Sri V.V. Srivastava of Police Station Nasirabad, but the same was transferred to him on the orders of the Superintendent of Police. He further deposed that he recorded the statements of the witnesses mentioned in the *Panchayatnama* and noted the X-ray reports of the injured, namely Om Prakash and Hari Prakash, in the case diary. He further deposed that after recording the statements of the complainant and other witnesses, spot inspection was undertaken by him, and upon consideration of the materials collected during investigation, he submitted the charge-sheet (Ext. Ka-8).

22. During cross-examination, he deposed that he did not record the statements of the eye-witnesses, rather, he made inquiries relating to the case. He further deposed that he did not prepare any site plan

and only inspected the place of occurrence. He further deposed that he made inquiries from the villagers but did not record their statements or names in the case diary. He further deposed that it would be incorrect to suggest that he submitted a false charge-sheet in collusion with the complainant or that a false colour was given to the incident by the earlier Investigating Officer by taking advantage of the darkness of the night and implicating the appellants in place of unknown persons.

23. PW-6, Sri Vinod Prakash, Station Outpost In-charge Head Karchhana Police Station, District Allahabad, deposed that on the date of the incident, he was posted as Station Head at Police Station Nasirabad. He further deposed that Case Crime No. 13 of 1993 under Sections 323, 325, 504 and 506 IPC was registered in his presence and that he took over the investigation. He further deposed that on 04.03.1993, he prepared the *nakal chik* FIR and *nakal rapat* on the basis of the statement of head constable Ram Sahai Bhargav. On 05.03.1993, he obtained the injury reports of the injured persons and corresponding entries were made in the case diary. He further deposed that he took Constable Mahesh Prasad Dwivedi to the Orthopedic Department of District Hospital where the statements of injured witnesses, namely, Lalla Prasad, Advocate Om Prakash Khare, Hari Prakash Khare, as well as of Jageshwar and witness Vishram, were recorded. He further deposed that on their way back, he arrested accused persons, namely, Bhullan, Brij Lal and Jagat Pal, and recorded their

statements. He further deposed that on 06.03.1993, accompanied by the said constable, he visited the place of occurrence and recorded the statements of witnesses — Gayadin, Udairaj and tractor driver Mohd. Jahoor. At that time, the complainant also arrived and, on his pointing out, the site plan was prepared by him (Ext. Ka-9). He further deposed that on 07.03.1993, he received the post-mortem report of deceased Jageshwar and, on that basis, the offence was altered to Section 304 IPC through G.D. Entry No. 29 at about 19:15 PM and corresponding entry was made in the case diary. He further deposed that on 09.03.1993, he sought issuance of warrant from the Court of Munsif Magistrate, Dalmau, and on 16.03.1993, the copy of the *Panchayatnama* was entered in the case diary. He further deposed that upon permission of the Court, the statement of Suraj Pal was also recorded. He further deposed that subsequent thereto, the investigation was transferred to another Sub-Inspector.

24. During cross-examination, he deposed that Suraj Pal had admitted his guilt, whereas the other accused persons denied the allegations. He denied the suggestion that no report was sent to the Court regarding recording of the the confessional statement of Suraj Pal. He denied the allegation that he had colluded with the complainant to give a false colour to the incident or that the appellants were being falsely implicated due to enmity. He further deposed that the statement of the complainant and the injured could not be recorded earlier as they immediately proceeded to the hospital from where

they were referred to District Hospital. He further deposed that he had no knowledge of any proceedings under Sections 107/116 Cr.P.C. against Advocate Om Prakash Khare. He further deposed that it would be incorrect to say that the area around the place of occurrence was full of pebbles and stones since the road there was brick paved road (*khadanja road*). He also denied the suggestion that the appellants were falsely implicated under the influence of Advocate Om Prakash Khare.

25.PW-7, Dr. S.S. Trivedi, Senior Radiologist, District Hospital Sitapur, deposed that on 10.03.1993 he was posted as Senior Radiologist at the District Hospital Raebareli. He further deposed that the injured witness Hari Prakash, who had been admitted on 05.03.1993, was referred for radiological examination by the Orthopedic Specialist. His X-Ray plates were prepared under his supervision by the X-Ray Technician, and on examining the same, he found a fracture of the shaft of the tibia bone in the left leg and fractures of the shafts of both tibia and fibula in the right leg (X-Ray reports are marked as Ext. Ka-10 and Ext. Ka-11 respectively). He further deposed that the X-Ray examination of injured Advocate Om Prakash was also conducted under his supervision and upon examination of the X-ray he found a fracture of the shaft of radius bone on the right forearm and fractures of the shaft of fibula bone and of the patella on the left leg (X-ray reports are marked as Ext. Ka-12 and Ext. Ka-13 respectively). He further deposed that on the same day, the X-Ray plate of the left hand of

Om Prakash was also prepared, which revealed fractures in the 2nd, 3rd and 4th meta-carpal bones.

26. During cross-examination, he stated that such fractures could also be caused by a fall from a height of about 20-25 feet on a rough surface containing pebbles and stones.

27. **PW-8 Dr. U.C. Sharma**, Senior Specialist District Hospital Raebareli, deposed that on 07.03.1993 he was posted as Senior Dermatologist at District Hospital Raebareli and on the same day at around 3:00 PM, post-mortem examination of the deceased Jageshwar was conducted. He further deposed that the dead body was sealed and was sent by station-in-charge, police station Nasirabad. He further deposed that Jageshwar died on 06.03.1993 at around 5:40 AM in the District Hospital Raebareli. The deceased's physique was normal, his head was bandaged, both the forearms and arms were bandaged. He further deposed that the bandage extended from the left foot to the middle of the thigh. He further deposed that the rigor mortis had passed in the upper part but was present in the lower part, both the eyes were closed, and the clothes on the body were stained with blood. The injuries before the death were as follows:

- Injury No. 1- Lacerated wounds measuring 6 cm X 0.5 cm , scalp deep on the left side of the skull 7 cm above the left eyebrow. There was a bandage on the injury.
- Injury No. 2- Contusion with scratches measuring 1cm X 5cm on the right ring finger of proximal phalanx.

- Injury No. 3- Stab wound measuring 1.5cm X 0.5 cm, deep to the flesh, 5cm behind the right elbow, obliquely on the back of the right forearm.
- Injury No. 4- Stab wound measuring 1cm X 5cm deep to the muscle on the, 3cm above the right wrist, obliquely on the back of the right forearm.
- Injury No. 5- Stich wound with three stitches, measuring 6cm X 2cm, bone deep, on the medial side of the left arm, 2.5cm above the right wrist. The bone below the injury were broken and protruding from the wound.
- Injury No. 6- Lacerated wounds measuring 3cm X 2cm, bone deep, fracture below the injury and protruding from the wound. Injury was on the left leg. 4 cm above the left heel on the front side.

28. On the internal examination, it was found that blood clots were present below the Injury No. 1 and above the central part of the brain. He opined that the cause of death was shock and haemorrhage caused by injuries sustained before the death. He further deposed that the injuries sustained by the deceased were sufficient to cause death. He further deposed that except injuries no. 3 and 4, the remaining injuries could have been caused by *lathis* or *dandas*. He further deposed that injuries no. 3 and 4 could have been caused by a sharp object opining on the possibility of the use of a sharp *danda*. Upon being inquired by the court, he

deposed that he is unaware about *hura* and if it was sharp it could have caused such injuries.

29. During cross-examination, he deposed that injuries no. 3 and 4 cannot be caused by a broad-edged weapon, but they can be caused by a sharp-edged weapon. He further deposed that the stab wounds, injury no. 3 and 4, could have been caused by a sharp pointed weapon and if the weapon is not sharp then stab wounds could not have occurred. He further deposed that injury no. 3 and 4 could have been caused by falling on a sharp stone. He further deposed that he is unaware of the fact whether injured Jageshwar was treated at Jais P.H.C Raibareli before his death or not and the same has not been mentioned in post-mortem report and neither had he come across it in any medical report. He further deposed that Jageshwar died in District Hospital Raebareli. He further deposed that such stab wounds could have been caused during treatment, if the doctor uses a sharp instrument to operate. He further deposed that the injury report of the deceased was prepared by a doctor at P.H.C. Jais on 04.03.1993 and the medical report lists four injuries and no stab wounds.

30. **PW-9, Dr. K.P.S. Chauhan**, Leprosy Officer Palia District Lakhimpur, deposed that on 04.03.1993 he was posted as Medical Officer in P.H.C Jais and on the same day at around 10:45 PM he had treated the injuries of Jageshwar, who was brought by Constable 345 Shyam Sankar Singh, Police Station Nasirabad. The following injuries were found:

- Injury No. 1- Compound fracture measuring 6cm X 8cm X 2cm , deep in the lower part of the right leg, 5 cm above the ankle joint, from which fresh blood was oozing. It was kept under observation.
- Injury No. 2- Contusion measuring 8cm X 5cm on the upper part of the right palm in which pain and swelling was present. Red in colour. It was kept under observation.
- Injury No. 3- Compound fracture measuring 5cm X 3cm X 2cm, deep located, 5cm above the left wrist joint from which fresh blood was oozing.
- Injury No. 4- Lacerated wound 3cm X 1cm X 5cm deep on the left side of the head, 4 cm hairline, on the left side of the forehead.

He further deposed that injury no. 1 could have been caused by a blunt object and X-ray of the left leg was advised. He further deposed that injury no. 2, 3 and 4 could have been caused by a blunt instrument and X-ray for all the four injuries was advised (injury report is marked as Ext. Ka-15). He further deposed that the injuries were fresh and could have been caused around 8 o'clock at night on 04.03.1993 and the injuries could have been caused by a blunt instrument like a stick.

31. He further deposed that on the same day, the injuries of the injured Om Prakash were medically examined at around 11:00 PM, who was brought by the same constable as mentioned above. The following injuries were found and examined:

- Injury No. 1- Contusion measuring 8cm X 5cm mark on the right knee which was swollen and injured complained of pain. Colour was red. Injury was kept under observation.
- Injury No. 2- Lacerated wound measuring 6cm X 1cm X 2cm deep was on the right leg, 18 cm below the right knee, from which fresh blood was oozing.
- Injury No. 3- Torn wound measuring 3cm X 1cm X 2cm deep on right leg located 3 cm inside from injury no. 2, from which fresh blood was oozing.
- Injury No. 4- Contusion measuring 8cm X 3cm on the outside of the right palm in which there was pain and swelling. The colour was red. It was kept under observation.
- Injury No. 5- Torn wound 1 cm X 5cm X 2cm deep on the outer side of left palm, from which fresh blood was oozing.
- Injury No. 6- Contusion measuring 5cm X 3cm on the left hand, 5cm above the wrist, in which pain and swelling was present. Colour was red.

He further deposed that injury no. 1 to 6 could have been caused by a blunt instrument, for example by *lathi-danda*. Injury no. 2, 3, and 5 were simple. He further deposed that X-ray was advised for injury no. 1 and 6. He further deposed all these injuries were fresh and could have been caused around 8:00 PM on 04.03.1993 (the injury report is marked as Ext. Ka 16).

32. He further deposed that on the same he had also examined the injuries on the body of Hari Prakash, at around 11:10 PM, and following injuries were found:

- Injury No. 1- Contusion measuring 10 cm X 8 cm on the right leg, 8 cm above the right ankle, in which pain and swelling was present. Colour was red.
- Injury No. 2- Contusion measuring 5cm X 2cm on the left leg, 12 cm above the left ankle, in which pain and swelling was present. Colour was red in.

He further deposed that injury no. 1 and 2 were possible by a blunt object, such as a stick. He further deposed that X-ray was advised for both the injuries and both the injuries were fresh. He further deposed that injuries could have occurred around 8:00 PM on 04.03.1993 (injury report is marked as Ext. Ka-17)

33. During cross-examination, he deposed that the injuries could have caused between 8:00 PM-10:00 PM. He further deposed that injuries of all the three persons could have been caused if they had fallen after hitting the stones lying on the bank of the river and in the similar situation if there are big stones or pieces of stones lying on a road, then such injuries could have been caused by falling forcefully on them. He further deposed that injury no. 4, mentioned in the injury report of deceased Jageshwar (Ext. Ka 15) was 3 cm X 1 cm X 0.5 cm deep. He further deposed that the injury was not as deep as 0.5 cm X scalp deep. He further deposed that the injury no. 4, as he had mentioned in the injury report, was not 7 cm above

the hairline but was 4 cm above and he could not find any contusion mark on it.

34. **PW-10, S.I. Sadhna Gupta**, Sub-Inspector Ghazipur Police Station, District Lucknow, deposed that on the date of occurrence she was posted as Sub-Inspector Police Station Raebareli. She further deposed that she had received *Nakal Rapat* No. 11 along with the *aamad memo* and memo of death of Jageshwar from the District Hospital, Raebareli at about 8:10 PM. She thereafter prepared the *panchayatnama* of the deceased (Ext. Ka-19). She further deposed that she had also prepared the requisite papers for conducting the post-mortem examination of the deceased, namely, the letter addressed to the R.I. (Ext. Ka-21), the letter addressed to the C.M.O. (Ext. Ka-22), the Challan Lash (Ext. Ka-23), the sketch of the dead body (Ext. Ka-24) and the copy of seal (Ext. Ka-25).

35. During cross-examination, she stated that at the time of preparation of the *Panchayatnama*, bandages were tied on the injuries of the injured and his entire head was bandaged. She further stated that she had mentioned that the bandages are tied but not mentioned that entire head was bandaged.

Court Analysis

Effect of non-examination of independent witnesses:

36. It is to be considered as to whether the prosecution case is vitiated on account of non-examination of independent witnesses. The learned counsel for the appellants argued that since the villagers who allegedly reached the spot—namely, Vishram, Gayadin and

Udayraj—were not produced in evidence, an adverse inference ought to have been drawn and the testimony of the related and injured witnesses should not be relied upon.

37. The legal position on this aspect stands well settled. The prosecution is not required to multiply witnesses, and mere non-examination of all persons cited in the FIR or present at the spot does not *ipso facto* cast any doubt on the prosecution case. What is essential is the quality, and not the quantity, of evidence. Where the testimony of injured eye-witnesses is consistent, natural and inspires confidence, the absence of independent witnesses is not fatal. The Supreme Court through ***Hem Raj v. State of Haryana, AIR 2005 SC 2110; H.P. v. Pardeep Kumar (2018) 13 SCC 808;*** and ***Surinder Kumar v. State of Punjab (2020) 2 SCC 563*** has consistently held that no universal rule can be framed that failure to examine independent witnesses necessarily leads to rejection of the prosecution version. The Court is required to assess whether the witnesses examined are trustworthy and whether their version is corroborated by the medical and other material evidence on record.

38. In the present case, PW-2 Advocate Om Prakash and PW-3 Hari Prakash are injured witnesses, who sustained injuries in the same incident. Their presence at the spot stands fully established by their medical examination at Jais P.H.C. the same night, with fresh injuries found on their body, which fully corresponds to the time of occurrence. The ocular version of these injured witnesses has been

found cogent, consistent and wholly natural. Their statements also find substantial corroboration from the medical evidence, including the injury reports (Ext. Ka-15, Ka-16, Ka-17), the X-ray reports, as well as the post-mortem report of the deceased.

39. Merely because the prosecution did not produce other villagers who had arrived after the assault, the entire prosecution story cannot be discarded. It is well settled that the testimony of injured witnesses stands on a higher pedestal, as they are least likely to shield the actual assailants and substitute them with innocent persons. In the present case the injured witnesses have consistently deposed that the appellants were armed with *lathis* and *dandas*, had assaulted and caused injuries to the deceased Jageshwar, PW-2, and PW-3. Their presence at the spot being natural and fully explained, testimonies of PW-2 and PW-3 cannot be doubted merely on the ground of relationship.

40. It is often observed that villagers often hesitate to come forward and depose in Court, especially when the accused persons belong to the same locality. Thus, the mere omission of the prosecution to examine these villagers cannot be treated as fatal to its case, particularly when trustworthy and corroborated evidence of injured witnesses is available.

Motive, Premeditation and Nature of Offence (Section 304 IPC vis-à-vis Section 325 IPC)

41. Learned counsel for the accused-appellants contended that the prosecution has failed to establish any motive or premeditation on

the part of the appellants and that, even if the prosecution version is accepted in its entirety, the case would not go beyond the ambit of Section 325 IPC. It was urged that there was neither intention nor knowledge attributable to the appellants that the injuries inflicted would result in the death of the deceased.

42. The law on the question of motive is well settled. Motive is not a *sine qua non* for proving an offence when there is clear, cogent and reliable ocular evidence. Proof of motive assumes significance mainly in cases resting on circumstantial evidence. Where direct evidence of eye-witnesses, particularly injured witnesses, is available and inspires confidence, the absence or inadequacy of motive does not weaken the prosecution case. At the same time, if motive is established, it lends further assurance to the prosecution version.

43. In the present case, the prosecution has not only led direct evidence of injured eye-witnesses but has also established the existence of motive. PW-1 Lalla Prasad, PW-2 Om Prakash Khare and PW-3 Hari Prakash have consistently deposed about an ongoing land dispute between the deceased Jageshwar and the appellants. The said dispute was subsisting much prior to the date of the incident and has been admitted in substance even during cross-examination. PW-2, an advocate by profession, has specifically stated that he was representing the deceased in the said dispute, which was pending before the competent court. The existence of prior enmity, therefore, stands proved on record.

44. The manner in which the incident occurred also reflects a clear element of premeditation. The evidence shows that the appellants were already present near the *Mattan Nala*, armed with *lathis* and *dandas*, and were lying in wait. As soon as the deceased and the injured witnesses reached the spot, the appellants stopped them, abused them and launched a concerted assault. The attack was not momentary or accidental; rather, it was directed initially against the deceased and PW-2 thereafter against PW-3 when he attempted to intervene. The nature, number and gravity of injuries inflicted on the deceased, including multiple fractures, clearly demonstrate that the assault was deliberate and brutal.

45. The conduct of the appellants before, during and after the incident further reinforces the inference of premeditation. The appellants acted in concert, armed themselves in advance, assaulted the victims in a coordinated manner and fled from the spot only after villagers arrived, while extending threats. Such conduct is wholly inconsistent with a sudden or unpremeditated occurrence.

Alleged contradictions between Medical and Ocular Evidence

46. It has been argued and stressed upon by the learned counsel for the appellants, that there have been contradictions observed between the medical and ocular evidence on record. It is a well-settled principle of criminal jurisprudence that when the ocular testimony of trustworthy witnesses is fully consistent with and duly corroborated by the medical evidence, the prosecution case stands significantly strengthened. Medical evidence is primarily

opinionative in nature and is meant to assist the Court in appreciating the direct evidence available on record. It can only discredit ocular testimony when there exists a direct and irreconcilable conflict between the two. In the absence of such contradiction, the ocular version must be given due primacy. (*as per Mahavir Singh v. State of M.P.*, (2016) 10 SCC 220)

47. The submission advanced on behalf of the appellants that there exists a material contradiction between the ocular version and the medical evidence, particularly with reference to Injury Nos. 3 and 4, has been carefully examined by this Court.

48. The occurrence is stated to have taken place on 04.03.1993 at about 8:00 p.m., and the deceased later succumbed to the injuries sustained therein. The post-mortem examination was conducted at 3:00 p.m. on 07.03.1993 by PW-8, Dr. U.C. Sharma, Senior Specialist, District Hospital, Raebareli, who proved the post-mortem report and deposed in detail regarding the injuries found on the body of the deceased. The condition of the body, the ante-mortem nature of the injuries, and the internal findings recorded during post-mortem are fully consistent with the time and manner of occurrence as established by the prosecution witnesses. No material discrepancy has been pointed out by the defence so as to discredit the medical timeline.

49. The principal emphasis of the appellants has been laid upon Injury Nos. 3 and 4, which have been described in the post-mortem report as stab wounds. The Trial Court has dealt with these injuries with

due care. Both injuries are situated on the posterior aspect of the forearm, a classical site for injuries sustained as a result of a fall, particularly when a person collapses after receiving forceful blows. Such a location is not ordinarily targeted in cases of intentional stabbing. Moreover, the dimensions and nature of these injuries also lend support to the conclusion drawn by the Trial Court. While the width of the wounds is comparatively small, measuring approximately 0.5 cm and 1 cm respectively, the length is irregular and the orientation oblique, suggesting a sliding impact rather than a direct penetrating force. Importantly, the post-mortem report does not describe any clean-cut margins, tailing, or marginal abrasions which are ordinarily associated with injuries caused by sharp-edged weapons.

50. Furthermore, PW-8, Dr. U.C Sharma, in his testimony, has not categorically opined that injury no. 3 and 4 were caused by any sharp-edged weapon. On the contrary, his evidence does not rule out the possibility that such injuries could have been sustained due to a forceful fall on a hard surface containing stones and pebbles. In the present case, where the assault occurred on a brick paved road (*khadanja road*) and the deceased was subjected to multiple lathi blows, the inference drawn by the Trial Court that the deceased may have fallen forcefully on the ground, thereby sustaininig injury no. 3 and 4, cannot be said to either improbable or perverse.

51. It is also relevant to note that although an attempt was made by the defence to introduce the use of a *khulhari* (axe), the same does not find corroboration either from the ocular testimony of PW-2 and PW-3 or from any recovery made during investigation. The Trial Court has rightly discarded this suggestion, and this Court finds no reason to take a different view.

52. Further, the cause of death, as opined by PW-8, was the cumulative effect of multiple injuries caused by blunt force trauma. Injury Nos. 3 and 4 were not stated to be individually sufficient to cause death in the ordinary course of nature. Therefore, even assuming some ambiguity with regard to the precise manner in which these two injuries were sustained, the same does not undermine the prosecution case, as the cause of death stands established independently of those injuries.

53. The Trial Court has undertaken a careful and holistic appreciation of both ocular and medical evidence and has rightly concluded that there was no use of any sharp-edged weapon in the commission of the offence. The finding that Injury Nos. 3 and 4 were accidental in nature, sustained as a result of a fall after the deceased received blunt force injuries, is based on sound medical reasoning and does not suffer from any illegality or perversity.

54. Moreover, the reliance placed by the learned counsel for the appellants on *Krishnegowda & Ors. v. State of Karnataka, (2017) 13 SCC 98, Abdul Sayeed v. State of M.P., (2010) 10 SCC 259* and *Darbara Singh v. State of Punjab, (2012) 10 SCC 476* is

misconceived, as the principles enunciated therein apply only where the medical evidence completely rules out the ocular version or where material contradictions strike at the root of the prosecution case, a situation which does not arise in the present matter where the ocular testimony is consistent, credible and duly corroborated by medical evidence.

55. In view of the settled legal position that ocular evidence ordinarily prevails unless medical evidence completely rules it out, and having regard to the fact that the medical evidence in the present case lends due corroboration to the ocular version, this Court finds no merit in the contention of the appellants regarding alleged contradiction between the medical and ocular evidence. The findings recorded by the Trial Court on this aspect are accordingly affirmed.

Occurrence at night – alleged impossibility of identification and false implication

56. The learned counsel for the appellants has contended that the occurrence took place during night hours and, therefore, there was no sufficient source of light to enable the witnesses to identify the assailants. On this premise, it was argued that the appellants have been falsely implicated due to prior enmity and that the conviction based on such identification is unsustainable.

57. At the outset, it is relevant to note that the time of occurrence has consistently been stated to be around 8:00–8:30 PM. The prosecution witnesses have not described the incident as having

taken place in pitch darkness. On the contrary, PW-2 Om Prakash Khare has categorically stated in his testimony that the night of occurrence was *bright*. This assertion has not been effectively dislodged in cross-examination.

58. The learned Trial Court has dealt with this aspect in detail and has taken judicial notice of the *Panchang* of the year 1993, which indicates that the date of occurrence, i.e., 04.03.1993, was *Ekadashi of Shukla Paksha*. On that night, there was sufficient moonlight. The trial court has rightly observed that in such conditions, identification of known persons is not only possible but natural. This Court finds no perversity or legal infirmity in the said reasoning. It is well settled that identification in moonlight cannot be discarded merely because the incident occurred at night, particularly when the accused persons are known to the witnesses from before.

59. In the present case, the appellants and the witnesses are residents of the same village. PW-3 Hari Prakash has specifically stated that he knew the accused persons prior to the incident due to frequent interactions. Similarly, PW-1 and PW-2 have also deposed about the prior acquaintance and existing land dispute with the appellants. Where the assailants are known persons, the requirement of a strong or artificial source of light is considerably diluted, as recognition does not depend merely on visual features but also on voice, stature, gait and overall familiarity.

60. Moreover, the plea of false implication also does not inspire confidence. The incident resulted in grievous injuries to three persons and ultimately in the death of Jageshwar. In such circumstances, it is highly improbable that the injured witnesses would spare the real assailants and falsely implicate the appellants merely on account of prior enmity, particularly when the appellants are co-villagers and well known to them.

61. Thus, considering the totality of the facts and circumstances, the availability of sufficient moonlight, the prior acquaintance between the parties, the consistent ocular testimony of injured witnesses, and the immediate conduct of the accused, this Court is of the considered view that the identification of the appellants stands firmly established. The finding recorded by the learned Trial Court on this issue is based on sound appreciation of evidence and does not call for any interference.

62. Moreover, argument that the offence would not go beyond Section 325 IPC is also misconceived. The distinction between Section 325 IPC and Section 304 IPC lies not merely in the nature of injuries but in the knowledge and likelihood of death resulting from the act. It is not necessary that there should be a deliberate intention to cause death in order to attract Section 304 IPC. What is required is the knowledge that the act is likely to cause death, which has to be inferred from the totality of circumstances.

63. In the present case, the deceased, 46-year-old, was subjected to a brutal assault by multiple assailants using hard and blunt weapons.

The injuries sustained were grievous in nature, necessitating repeated medical intervention and ultimately culminating in his death. The chain of events from the time of assault till the death of the deceased establishes a clear and proximate nexus between the injuries inflicted and the fatal outcome. The death was not due to any intervening cause but was the direct consequence of the injuries sustained in the incident.

64. The Trial Court has, therefore, rightly concluded that the appellants, by their acts, had the requisite knowledge that such an assault was likely to cause death and that the offence committed could not be diluted to one under Section 325 IPC alone. The finding recorded by the Trial Court is based on a correct appreciation of evidence and settled principles of law and does not suffer from any infirmity warranting interference.

Applicability of Section 504 IPC

65. The learned counsel for the appellants has further contended that the conviction of the appellants under Section 504 IPC is wholly unsustainable in law, inasmuch as the essential ingredients of the said offence are absent from the prosecution evidence.

66. The scope and ambit of Section 504 IPC stand authoritatively settled. The Hon'ble Supreme Court in ***Mohd. Wajid v. State of U.P., (2023) 20 SCC 219***, has held:

“29. Section 504 IPC contemplates intentionally insulting a person and thereby provoking such person insulted to breach the peace or intentionally insulting a person knowing it to be likely that the

person insulted may be provoked so as to cause a breach of the public peace or to commit any other offence. Mere abuse may not come within the purview of the section. But, the words of abuse in a particular case might amount to an intentional insult provoking the person insulted to commit a breach of the public peace or to commit any other offence. If abusive language is used intentionally and is of such a nature as would in the ordinary course of events lead the person insulted to break the peace or to commit an offence under the law, the case is not taken away from the purview of the section merely because the insulted person did not actually break the peace or commit any offence having exercised self-control or having been subjected to abject terror by the offender."

67. Similarly, in ***Fiona Shrikhande v. State of Maharashtra, (2013)***

14 SCC 44, the Hon'ble Supreme Court has held:

"13. Section 504 IPC comprises of the following ingredients viz. (a) intentional insult, (b) the insult must be such as to give provocation to the person insulted, and (c) the accused must intend or know that such provocation would cause another to break the public peace or to commit any other offence. The intentional insult must be of such a degree that should provoke a person to break the public peace or to commit any other offence. The person who intentionally insults intending or knowing it to be likely that it will give provocation to any other person and such provocation will cause to break the public peace or to commit any other offence, in such a situation, the ingredients of Section 504 are satisfied. One

of the essential elements constituting the offence is that there should have been an act or conduct amounting to intentional insult and the mere fact that the accused abused the complainant, as such, is not sufficient by itself to warrant a conviction under Section 504 IPC.”

68. Applying the aforesaid principles to the facts of the present case, this Court finds that the prosecution has failed to establish the offence under Section 504 IPC. A careful perusal of the written report as well as the testimonies of PW-1, PW-2 and PW-3 reveals that, although a general allegation of “*abuses*” being hurled by the appellants has been made, neither the complaint nor the oral evidence discloses the specific words allegedly used, nor does it describe the nature, tenor or context of the alleged abusive language. There is no material on record to indicate that the words allegedly uttered were of such a nature as would, in the ordinary course of events, provoke the person insulted to commit a breach of public peace or any other offence.

69. The allegations in this regard are vague, omnibus and wholly lacking in particulars. The prosecution has not established that the alleged abuse was intentional, targeted, or calculated to provoke a breach of peace, nor that the appellants possessed the requisite intention or knowledge contemplated under Section 504 IPC. Mere use of abusive or discourteous language, without disclosure of its nature and without proof of the consequential provocation

envisioned by law, does not satisfy the statutory requirements of Section 504 IPC.

70. In the facts and circumstances of the present case, where the prosecution has failed to specify the abusive language allegedly used and has not demonstrated that such language was of such gravity as to provoke a breach of public peace, the conviction of the appellants under Section 504 IPC cannot be sustained. The learned Trial Court, in convicting the appellants under Section 504 IPC, appears to have proceeded on a general allegation of abuse, without examining whether the essential legal ingredients of the offence stood fulfilled. Accordingly, this Court is of the considered view that the offence under Section 504 IPC is not made out against the appellants. The conviction and sentence of the appellants under Section 504 IPC are, therefore, set aside.

Conclusion

71. Upon a comprehensive reappraisal of the entire evidence on record and for the reasons recorded hereinabove, this Court is of the considered view that the prosecution has successfully established beyond reasonable doubt that the appellant no. 2 Suraj Pal, appellant no. 3 Brij Lal and appellant no. 4 Jagat Pal, in furtherance of their common intention, assaulted deceased Jageshwar and the injured witnesses, which ultimately resulted in the death of Jageshwar. The findings of guilt recorded by the learned Trial Court in respect of the offences punishable under Sections 304 IPC read with Section 34 IPC, Sections 325 IPC read

with Section 34 IPC, Sections 323 IPC read with Section 34 IPC and Section 506(2) IPC are based on cogent, reliable and trustworthy evidence and do not suffer from any perversity, illegality or material irregularity warranting interference by this Court.

72. However, insofar as the conviction under Section 504 IPC is concerned, this Court finds that the essential ingredients of the said offence are not made out in the facts and circumstances of the present case, inasmuch as the prosecution has failed to establish any intentional insult of such a nature as would provoke a breach of peace or commission of any offence. Consequently, the conviction and sentence of the appellants under Section 504 IPC are hereby set aside.

73. Accordingly, the appeal is **partly allowed**. The conviction of the appellant no. 2 Suraj Pal, appellant no. 3 Brij Lal and appellant no. 4 Jagat Pal under Section 504 IPC is set aside, while their conviction under Sections 304 IPC read with Section 34 IPC, Sections 323 IPC read with Section 34 IPC, Sections 325 IPC read with Section 34 IPC and Section 506(2) IPC is affirmed.

74. As regards the question of sentence this Court has taken into consideration that the occurrence relates to the year 1993, that the appeal has remained pending for more than two decades, and that all the surviving appellants are either around or above the age of fifty years.

75. Keeping in view the overall facts and circumstances of the case and balancing the demands of justice with considerations of equity, this Court is of the view that the sentence imposed by the learned Trial Court deserves to be modified. Accordingly, while maintaining the conviction of the appellants under the aforesaid provisions, they are sentenced to undergo rigorous imprisonment for a term of ten years each for the offence punishable under Section 304 IPC read with Section 34 IPC, with the sentences imposed for the remaining offences to run concurrently.

76. Furthermore, in order to provide adequate succour to the families of the victims, this Court is of the view that the fine as imposed by the Trial Court of Rs. 2,000/- each shall be enhanced to Rs. 20,000/- upon each surviving appellants and the aggregate of the fine i.e. Rs. 60,000/- shall be distributed equally as a compensation to the legal heirs of Jageshwar (deceased), after due identification and verification. In the event of the default of payment of fine, the concerned appellant shall undergo additional rigorous imprisonment for a period of one year.

77. The appellants are presently on bail. They are directed to surrender before the court concerned within 15 days from today, failing which, the appellants shall be taken into custody by the court concerned and sent to jail to serve out the sentence. The bail bonds shall stand cancelled and sureties stand discharged.

78. Let a copy of this judgment, along with the trial court record, be transmitted forthwith to the court concerned for information and compliance.

(Zafeer Ahmad, J.) (Rajnish Kumar, J.)

January 16, 2026

Kanhaiya