



UPBB010021392024
In the Court of Sessions Judge, Barabanki
(Present:- Pratima Srivastava, H.J.S.)
(I.D. No.- U.P.-1899)
Sessions Case No. 487/2024

State of U.P.....**Prosecution.**

Vs

1. Chhote @ Satish Chandra son of Chhedalal,
2. Kunna alias Lalit son of Suresh Chandra,
3. Suraj son of Suresh Chandra,
4. Savitri Devi wife of Suresh Chandra,
5. Smt. Seema wife of Satish Chandra alias Chhote,
all residents of village- Bayalmau, P.S. Mohammadpur
Khala, District- Barabanki.

.....**Accused/applicants.**

Crime No. 577/2023
U/s-34,323,325,504,506,307 I.P.C.
P.S.- Mohammadpur Khala,
District- Barabanki.

JUDGMENT

The accused Persons **Chhote @ Satish Chandra, Suraj, Kunna alias Lalit, Savitri Devi and Smt. Seema** were tried by this court in the case of crime no. 577/2023, U/s- 34,323,325,504,506,307 I.P.C. Police Station- Mohammadpur Khala, District- Barabanki.

Factual Prism:-

Brief facts of the case, as narrated by the prosecution story are that complainant Sarita got the First Information Report registered at the police station stating that in the night of 02.11.2023 at around 9 PM, the complainant Sarita wife of Ravindra Pal @ Kallu was sitting in front of her house. At that time, over the issue of water flowing on the road, her own family members Chhote @ Satish Chandra, Suraj, Kunna @ Lalit, Seema and Suraj's mother came together armed with lathis and sticks, started abusing and began to beat her husband. Due to that assault, her husband Ravindra Pal @ Kallu and she sustained serious injuries. Savitri Verma wife of Ram Saran and Sanjay Verma son of Ram Saran of her village who came to rescue them, were also beaten and they also got injured.

Hearing the commotion, all the villagers ran to save them, then the above-mentioned people threatened to kill and ran away from the spot. After that, they went to C.H.C. Suratganj by 108 Ambulance, from where her husband Ravindra Pal and Savitri Verma were referred to District Hospital Barabanki.

3. On the basis of said complaint given by the complainant (Exhibit Ka-1), the first information report no. 577/2023, U/s- 34, 323, 504, 506, 308 I.P.C. was registered against the accused Satish alias Chhote, Suraj Yadav and Lalit Kumar alias Kunnu on dated 03.11.2023 at 06.05 hours (Exhibit Ka-2) and entry was made in General Diary no. 06 on dated 03.11.2023 at 06.05 hours (Exhibit Ka-3).

4. Thereafter, the investigation was handed over to S.I. Subhash Chandra. On dated 03.11.2023, on the verbal order of the In-charge Inspector, he received the copy of the F.I.R. and copy of the General Diary from the police station. On dated 04.11.2023, he went to Trauma Centre, Lucknow and recorded the statement of the doctor, Dr. Ravindra Mohan, Neurologist. He perused the medical report of Men District Hospital, Barabanki and also examined the report of KGMC. After examining the copy of the FIR and copy of the General Diary, he recorded the statement of Ram Prabhav Kushwaha (FIR Writer). He also recorded the statement of the complainant of the case. On the pointing of the complainant of the case, he inspected the place of incident and prepared a site plan. After this, he recorded the statements of eyewitnesses Savitri Devi and Sanjay of the incident. From the investigation done so far, it was found that an offence under Section- 307 I.P.C. was made out in the above-mentioned case. Therefore, the case was amended from Section- 308 I.P.C. to Section 307 I.P.C. He arrested Satish Chandra @ Chhote and Lalit @ Kunna from Daspur Chauraha and recorded their statements. After this, he was transferred and the investigation of the said case was carried out by Inspector Kanhaiya Yadav. On dated 12.11.2023, he took over the investigation of First Information Report No.-577/2023, Police Station Mohammadpur Khala, Barabanki. He arrested the accused Suraj Yadav and recorded his statement. On dated 16.12.2023, he recorded the statements of the eyewitnesses of the incident- Shravan Kumar, Ram Milan, Vijay Kumar Yadav and Manish Kumar Yadav. The named accused Seema wife of Satish Chandra @ Chhote and Savitri Devi wife of Late Suresh Chandra, residents of Village Bayalmau were not found to be involved in the incident and their names were removed from the said case. He registered the X-ray report of the injured Ravindra Pal and his wife in the case diary.

On finding that Ravindra Pal had fractures in his hand and leg, he added Section-325 I.P.C. to the said case. He perused the C.T. Scan report of Ravindra Pal. Based on all the investigation done so far, the statements of the complainant, injured and other witnesses and the Medical Report of the injured, sufficient evidences were found against the accused Satish Chandra @ Chhote, Suraj and Kunna @ Lalit sons of Suresh Chandra, residents of Village Bayalmau, Majre- Alhemau, Police Station Moham-madpur Khala, Barabanki. Based on the entire investigation conducted so far and the evidence collected, the offence under Section-34, 323, 325, 504, 506, 307 I.P.C. against accused persons were found to be well proved. He submitted the chargesheet to the court in his own signature. The witness identified his signature after seeing the chargesheet and proved it as (Exhibit Ka-9). There after, an application paper no. Ba-15, under Section- 319 Cr.P.C. (358 B.N.S.S.) submitted by complainant before the learned Court, has been allowed and the accused persons Savitri Devi and Seema were summoned by the Court to face the trial.

5. Copies of document as contemplated under section- 207 of the Criminal Code Procedure, were supplied to accused before committal of the case to Sessions Trial.
6. After hearing the parties and perusing documents, charge in respect of commission of offence punishable under Sections- 323/34, 325/34, 504, 506, 307/34 I.P.C. was framed on dated 29.07.2024 by Sessions Judge, Barabanki against accused Satish Chandra @ Chhote, Suraj and Kunna @ Lalit and charge against Seema and Savitri was framed later after summoning them by Court on dated 05.06.2025 who pleaded not guilty and claimed for trial.
7. In order to substantiate its allegations under Sections- 323/34, 325/34, 504, 506, 307/34 I.P.C., the prosecution examined the following witnesses who were examined in the court.

Name of prosecution witnesses	Nature of prosecution Witnesses
PW-1, Sarita	Informant
PW-2, Ravindra Pal	Eye-witness/injured
PW-3, Savitri	Eyewitness
PW-4, Head Constable Ram Prabhav Kushwaha	FIR Writer
PW-5, Dr. Ravindra Mohan	Doctor
PW-6, Dr. Rahul Singh	Doctor
PW-7, S.I. Subhash Chandra	Investigating Officer
PW-8, Inspector Kanhaiya Yadav	Investigating Officer

8. In order to establish its case, the prosecution had produced the documentary and oral evidence-

Documentary Evidence-

Written Tehrir	Exhibit Ka-1
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Sessions Case No. 487/2024
State of U.P. vs Satish Chandra alias Chhote and Ohters,
Crime No. 577/2023,
Sections- 323/34,325/34,504,506,307/34 I.P.C.

First Information Report	Exhibit Ka-2
General Diary No. 06	Exhibit Ka-3
Papers of treatment of Emergency Department	Exhibit Ka-4
Discharge Summary	ExhibitKa-5
Site-Plan	ExhibitKa-6
General Diary No. 61	Exhibit Ka-7
General Diary No. 48	Exhibit Ka-8
Chargesheet	Exhibit Ka-9

9. After the conclusion of the evidence, the statement of the accused persons were recorded under section 313 Cr.P.C., in which the accused denied the allegations and further stated that they have falsely implicated in the said case. The opponents Ravindra Pal and his wife beat Suraj, Neelu and Kajal due to which a report was lodged against them. Due to that enmity, the opponents falsely implicated the accused persons in the said case.

10. Learned counsel for the defence submitted, on behalf of the accused in their defence, a copy of the First Information Report (FIR) from list B-54 in Crime No. 576/2023, along with a photocopy of the related chargesheet and the medical papers of the injured persons regarding the injuries sustained in the alleged incident.

11. Heard the learned Incharge D.G.C. (Criminal) and learned counsel for the defence and perused oral and documentary evidence on record and analyzed the case according to law.

12. The learned Incharge D.G.C. (Criminal), argued that the allegations, made by the prosecution, are proved by the oral and documentary evidence on record. The prosecution has succeeded to prove the case against the accused beyond the reasonable doubt. Therefore, the accused is liable to be punished for the offence framed. Learned Incharge D.G.C. (Criminal) further submitted that the incident occurred on dated 02.11.2023 in the night at about 21.00 hours. F.I.R. was lodged promptly on the very next day on dated 03.11.2023 at 06.05 am. The injuries are in corroboration to what has been mentioned in F.I.R. In case of injured witness, public witnesses are not necessary to examine.

13. The learned counsel for the accused persons has argued that the allegations alleged by the prosecution against the accused persons are not proved beyond the reasonable doubt. The prosecution story is not based on oral and documentary evidence presented by the prosecution, therefore, the accused is liable to be acquitted of the charges. Learned counsel for the defence further submitted that F.I.R. was registered anti-timed and anti-dated. The presence of injured on spot is highly doubtful. The testimony of P.W.-1, P.W.-2 and P.W.-3 are not reliable as they all are related

witnesses. The prosecution has failed to prove the case beyond reasonable doubt.

-:Testimony of Prosecution Witnesses:-

14. The witness **P.W.-1, Sarita** deposed in her examination in chief that the incident took place on 02.11.2023 at 09 PM. She was sitting at the door of her house with her husband Ravindra Pal. At that same time, over the dispute of water flowing on the road, her neighbours Suraj, Kunna, Lalit, Suraj's mother Savitri, Seema Devi started abusing her and her husband with filthy language. When they objected not to abuse, the accused persons started beating her and her husband with lathis and dandas, holding in their hands. On their noise/cries for help, Savitri wife of Ram Saran and Sanjay son of Ram Saran came to save them and they were also beaten by accused persons. Someone from the village dialed 112 and an ambulance took her, her husband, Savitri and Sanjay to C.H.C. Suratganj. From there, due to the serious condition of her husband and Savitri Verma, they were referred. On dated 03.11.2023, she went to Police Station Mohammadpur Khala with Rampal of her village to lodge the first information report. The application was written by one person as per her dictation, then after hearing it, she signed on it. The witness identified her signature after seeing the written complaint on which Exhibit Ka-1 was marked. Further, in re-examination, the witness stated that on dated 02.11.2023 at 9:00 PM, when she was sitting at the door of her house with her husband Ravindra Pal, at that time over the dispute of water flowing on the road, Seema Devi wife of Satish, Satish, Suraj, Lalit, Savitri all started abusing. On being stopped, all the above five accused, armed with lathis and dandas in their hands, started beating her and her husband. Due to the assault, her Ravindra Pal fell unconscious on the spot. On hearing their noise, Savitri wife of Ramsaran and Sanjay of her village came to save them, then all the above five accused also started beating them with the lathies dandas in their hands. The accused beat those people with the intent to kill and after thinking that her husband Ravindra Pal was dead, they ran away from the spot. Her husband Ravindra Pal was treated for about 2 months at Trauma Centre Lucknow and Mayo Hospital. On information about the incident, she submitted the First Information Report at the police station.

15. The witness **P.W.-2, Ravindra Pal** deposed in his examination in chief that the incident is of the evening of 02.11.2023 at 9 o'clock. At that time, he was sitting at the door of his house, his wife was also sitting there. At the same time, Satish Chandra @ Chhote son of Chhedalal,

Seema wife of Satish Chandra @ Chhote, Lalit @ Punna, Suraj @ Om Singh Yadav sons of Suresh Chandra and Suraj's mother Savitri of his own family came and regarding water flowing on the road, started abusing him with filthy language. On being told not to abuse, the above five accused persons armed with lathis and dandas in their hands, started beating him. When his wife cried for help, Savitri Verma and Sanjay Verma of the village came to save them. Then, all the above opponents also beat Savitri Verma, Sanjay Verma and his wife. Hearing the commotion, many people from the village came to the spot. Then the accused, while abusing and thinking him to be dead, left the spot. Due to sustaining many injuries, he became unconscious. He does not know where he was taken. He regained consciousness after many days in the Trauma Centre. In the above assault, his right leg, right hand, and left hand were fractured. His head was also injured.

16. The witness **P.W.-3, Savitri**, deposed in her examination in chief that on 02.11.2023 at around 9 PM at night, she and her son Sanjay were cutting potato seeds outside the house. The seeds of potato were cutting on the doorstep of Balkaran Yadav's house. Just then, she heard Ravindra's cries of "save, save" and also the sound of lathis. Hearing the sound, she went to the spot with her son Sanjay and saw that Satish Chandra @ Chhote was beating Ravindra and his wife Sarita with a lathi in his hand, Suraj, Lalit, Punna were beating with lathis in their hands, and Lalit's mother Savitri and Seema were beating with lathies in their hands. She requested those five not to beat, but they did not listen and kept beating with the intent to kill and kept abusing them. In front of her, the accused beat Ravindra and Sarita a lot. When she opposed, those five people beat her son Sanjay and also beat her with lathis and dandas. On hearing the commotion, her daughter-in-law and younger son Anup came to the spot, and when other villagers also came, the accused persons threatened to kill and ran away. By then, the police had arrived and an ambulance had also arrived. Then, the injured were taken to C.H.C. Suratganj by ambulance, and from there she and Ravindra were taken to the District Hospital. The further treatment of his and Ravindra was done in Trauma Center.

17. The witness **P.W.-4, (Head Constable) Ramprabhav Kushwaha** deposed in his examination in chief that on dated 03.11.2023 he was on night duty at Police Station Mohammadpur Khala on the post of Head Moharir. On that day, Sarita Yadav wife of Ravindra Pal, Resident Village Bayalmau, Majre- Alhemau, Police Station Mohammadpur Khala, Barabanki gave a written application signed by her against her neighbours/op-

ponents Chhote and others. On the basis of written tehrir, he got First Information Report No. 577/2023 registered on the computer by dictation. The gist of which was entered in the General Diary No. 6 at 06.05 hours on dated 03.11.2023 against the accused persons, the FIR was registered under Sections 34, 308, 323, 504 and 506 IPC. The witness proved his signature on the FIR and General Diary on which Exhibit Ka-2 and Exhibit Ka-3 were marked respectively.

18. The witness **P.W.-5, Dr. Ravindra Mohan** deposed in his examination in chief that on dated 03.11.2023, he was posted as Associate Professor, Orthopedics at K.G.M.U. Lucknow. On this day, the injured Ravindra Pal came to the Trauma and Emergency Department of K.G.M.U. at 05:00 AM. The treatment and examination of the injured was done by various departments, under which he was examined in the Orthopedics Department under his supervision. The injured had a fractured ulna bone in the left hand. There was also a fracture in the 2nd Metacarpal bone of the right hand. There was a fracture in the Tibia bone of the right leg, and there was also a wound over it. The injured person stated that he was beaten. Blood circulation and fingers were working. Under his supervision, plaster was applied on the right hand, right leg and left hand by the doctors under him. After his advice and treatment, the patient walked on his own. Due to non-availability of beds, he was referred to Balram Hospital by the Neuro Surgery Department. The witness identified the forms related to treatment in the Emergency Department on which Exhibit Ka-4 was marked.

19. The witness **P.W.-6, Dr. Rahul Singh** deposed in his examination in chief that the former name of K.N.S. Hospital is Mayo Hospital. On dated 09.11.2023, the injured Ravindra Pal was admitted to the hospital at 11:48 PM. He was the in-charge of Unit-18 in the Orthopedics Department. The operation of the Right Tibia of the injured was done by his junior Dr. Vivek at 11:50 AM on 09.11.2023. The operation of the left hand and right leg of the injured was also done. The injured Ravindra Pal was discharged on Date 04.12.2023. The discharge summary is signed by Dr. Vivek. The witness verified the signature of Dr. Vivek after seeing the discharge summary on which Exhibit Ka-5 was marked.

20. The witness **P.W.-7 S.I. Subhash Chandra** deposed in his examination in chief that on dated 03.11.2023, he was posted as Sub-Inspector at Police Station - Mohammadpur Khala, District Barabanki. On this day, the above case was registered at the said police station. After the case was registered, the investigation was handed over to him on the oral order of

the In-charge Inspector. A copy of the Chik and a copy of the report were received from the police station. On dated 04.11.2023, he went to the Trauma Centre, Lucknow and recorded the statement of the injured Ravindra Pal alias Kallu and the statement of Dr. Ravindra Mohan, Neurologist who was treating the injured. He perused the medical report of District Hospital, Men, Barabanki and the report of K.G.M.U. After examining the copy of Chik and copy of report, he recorded the statement of Head Constable Ram Prabhav Kushwaha present at the police station. He recorded the statement of the complainant of the case. On the identification of the complainant of the case, he inspected the place of occurrence and prepared a site map. The witness identified his signature and handwriting on the site map on which Exhibit Ka-6 was marked. After this, he recorded the statements of eyewitnesses to the incident Savitri Devi and Sanjay. Based on all the investigation done so far, the statements of the complainant, doctors and other eyewitnesses, it was found that an offence under Section 307 I.P.C. was made out in the above case. Therefore, Section 308 I.P.C. in the case was amended to Section 307 I.P.C. The witness identified his signature after seeing General Diary No. 61, on which Exhibit Ka-7 was marked. He recorded this proceeding in Case Diary Volume No.-01. On the information of an informer, he arrested Satish Chandra Chhote and Lalit alias Kunna from Dasapur Crossing and recorded their statements. After this, due to his transfer, the investigation was conducted by someone else.

21. The witness **P.W.-8, Inspector Kanhaiya Yadav** deposed in his examination in chief that on dated 12.11.2023, he was posted as Sub-Inspector at Mohammadpur Khala Police Station. On that day he took over the investigation of First Information Report No.-577/2023, Police Station Mohammadpur Khala. On Date 27.11.2023 he prepared Case Diary No. 06 in which he arrested the accused Suraj Yadav and recorded his statement. On dated 16.12.2023, he recorded the statements of eyewitnesses to the incident Shravan Kumar, Ram Milan, Vijay Kumar Yadav, Manish Kumar Yadav. On dated 19.12.2023, since the accused Seema wife of Satish Chandra alias Chhote and Savitri Devi wife of Late Suresh Chandra, residents of Village Bayalmau were not found to be involved in the incident, they were discharged from the above case. This was recorded in G.D. No. 51 at 20:44 hours on dated 16.12.2023. He also entered the X-ray report of the injured Ravindra Pal and his wife in the case diary. Upon finding that Ravindra Pal had fractures in his hand and leg, he added Section-325 I.P.C. to the said case. A note of this was made in General Diary

No. 48 at 22:53 hours on dated 21.12.2023. The witness certified his signature on General Diary No. 48 on which Exhibit Ka-8 was marked. He examined the CT Scan report of Ravindra Pal. Based on all the investigation done so far, the statements of the complainant, injured and other witnesses, and the Medical Report of the injured, sufficient evidence was found against the accused persons. Therefore, he signed the charge sheet against the accused Satish Chandra alias Chhote, Suraj and Kunna alias Lalit sons of Suresh Chandra, residents of Village Bayalmau, Mazra Alhemau, Police Station Mohammadpur Khala under Sections-34, 307, 323, 325, 504, 506 IPC and submitted it to the Court. The witness identified his signature on the charge sheet on which Exhibit Ka-9 was marked.

22. Appraisal of Evidence:-

Considered the rival submission advanced by the learned counsel for the parties and on the basis of record including evidences oral and documentary, the prosecution case is being discussed as below:-

23. First Information Report:-

The learned counsel for the prosecution submitted that incident occurred on dated 02.11.2023 at 21.00 hours and first information report was lodged on 03.11.2023 at 06.05 hours and its entry in General Diary was made on 03.11.2023 at 06.05 hours. The complainant injured Sarita Yadav, Savitri and Ravindrapal alias Kallu who were assaulted by accused persons on their limbs and head with intention to kill. The injured carried out to C.H.C. Suratganj, Barabanki for medical treatment but due to critical condition Ravindrapal and Savitri Verma were sent to District Hospital, Barabanki whereas the learned counsel for the defence submitted that incident occurred on 02.11.2023 at 21.00 hours and the first information report was lodged on 03.11.2023 at 06.05 hours. The distance of police station from the place of incident is 04 km. Hence, there is delay in lodging the first information report and no proper explanation has been given by the prosecution.

A prompt first information report may be seen as a natural telling of the incident, since it could obviate the possibility of embellishments or false implication by after thought.

24. The holding of Hon'ble Supreme Court in **Mukesh and another vs State (N.C.T. of Delhi) 2017 Volume-6 SCC, Page-1**, emphasized the importance of promptitude in lodgment of an F.I.R.

50. Delay in setting the law into motion by lodging of complaint in Court or FIR at police station is normally viewed by the Courts with suspicion because

there is possibility of concoction of evidence against an accused. Therefore, it becomes necessary for the prosecution to satisfactorily explain the delay. Whether the delay is so long as to throw a cloud of suspicion on the case of the prosecution would depend upon a variety of factors."

25. The first information report was registered on 03.11.2023 at 06.05 hours on the basis of a written complaint given by the informant P.W.-1 Sarita. The brief contents of the first information report are as follows-

"In the night of 02.11.2023 at around 09.00 p.m., the complainant Sarita wife of Ravindra Pal @ Kallu was sitting in front of her house. At that time, over the issue of water flowing on the road, her own family members Chhote @ Satish Chandra, Suraj, Kunna @ Lalit, Seema and Suraj's mother came together armed with lathis and dandas, started abusing and began beating to them. Due to the assault, she and her husband Ravindra Pal @ Kallu sustained serious injuries. Savitri Verma wife of Ram Saran and Sanjay Verma son of Ram Saran of her village who came to intervene were also beaten and they also got injured. On hearing the commotion, all the villagers ran to save them, then the above people threatened to kill and left the spot. After that, they went to C.H.C. Suratganj by 108 Ambulance, from where her husband Ravindra Pal and Savitri Verma were referred to District Hospital Barabanki."

26. PW.-1 Sarita stated that on dated 02.11.2023 at 09.00 p.m., she was sitting at the door step of her house with her husband Ravindra Pal. At that same time, over the issue of water flowing on the road, her neighbours Suraj, Kunna, Lalit, Suraj's mother Savitri, Seema Devi started abusing her and her husband with filthy language. When they objected this, the accused persons started beating her and her husband with lathis and dandas, holding in their hands. On hearing the commotion, Savitri wife of Ram Saran and Sanjay son of Ram Saran came to save them and they were also beaten. The accused persons beat them with the intent to kill and after thinking that her husband Ravindra Pal was dead, they ran away from the spot. She further stated that someone from the village dialed 112, so an ambulance took her, her husband, Savitri and Sanjay to C.H.C. Suratganj. From there, due to the serious condition of her husband and Savitri Verma, they were referred to District Hospital, Barabanki. The witness stated that on dated 03.11.2023, she went to Police Station Mohammadpur Khala with Rampal of his village for lodging the first information report. Her husband Ravindra Pal was treated for about 2 months

at Trauma Centre Lucknow and Mayo Hospital. In her cross-examination, she has stated that at the time of incident, it was bright night. The police station is 1.5 kilometers away from his house. After the incident, when 108 ambulance came on the spot, then the police came on the spot. She further stated that she does not know the name of tehrir writer. She admitted that at the time writing of tehrir, Rampal of his village was with her. She got written tehrir outside the police station and gave it to the concerned police station. She got copy of the tehrir. Her husband came to house from Lucknow after 2 months.

P.W.-2 Ravindra Pal is the injured witness has also reiterated the statement given by P.W.-1. He has subsequently stated in his cross-examination that the first information report was lodged on dated 03.11.2023. He came to know about the registration of the report on regaining consciousness. On dated 03.11.2023, she was conscious. The I.O. took his statement in the hospital.

The first information report was registered by P.W.-4 Head Constable Ramprabhav Kushwaha who stated that on dated 03.11.2023, he was on night duty at Police Station Mohammadpur Khala on the post of Head Moharir. On that day, Smt. Sarita Yadav wife of Ravindra Pal, Resident of village Bayalmau, Majre- Alhemau, Police Station Mohammadpur Khala, Barabanki gave a written application signed by her against opponents Chhote and others regarding assault. On the basis of written tehrir, he got First Information Report No.-577/23 registered on the computer by dictating it. The gist of which was entered in the G.D. No.-6 at 06:05 hours on dated 03.11.2023 against the accused persons and the first information report was registered under Sections- 34, 308, 323, 504, 506 I.P.C. The witness proved his signature on the F.I.R. and General Diary No. 6 on which Exhibit Ka-2 and Exhibit Ka-3 were marked respectively. It has come in the evidence of P.W.-7 S.I. Subhash Chandra that after the registration of the case, the investigation was handed over to him. On dated 04.11.2023, he recorded the statement of injured Ravindra Pal alias Kallu by reaching to Trauma Centre, Lucknow. P.W.-8, Inspector Kanhaiyalal Yadav perused the medical report and discharge summary of injured Ravindrapal. On finding that Ravindra Pal had fractures in his hand and leg, he added Section-325 I.P.C. to the case. He examined the C.T. Scan report of Ravindra Pal.

27. After appreciating the rival contentions, it is clear that the time from 09.00 hours to 06.05 hours is reasonably explained by the medical emergency and the transportation of unconscious injured from village

Bayalmau to C.H.C. Suratganj to district hospital Barabanki and then to Trauma Centre, Lucknow has corroborated by hospital records.

28. P.W.-1, Sarita Yadav first rushed to C.H.C. Suratganj and thereafter to district hospital barabanki and thereafter to Trauma Centre, Lucknow where he was admitted at 05.10. am on 03.11.2023 as proved by P.W.-5. Immediately after admitting her husband in the hospital, P.W.-1, reached at P.S.-Mohammadpur Khala, Barabanki and lodged first information report as Exhibit Ka-2 at 06.05 hours. Thus, the delay in lodging the first information report stands fully explained by medical emergency.

29. The Hon'ble Supreme Court in **State of H.P. vs Gianchand, 2001 6 SCC 71** held that-

"Delay in lodging the F.I.R.cannot be used as a ritualistic formula for doubting the prosecution case and discarding the same solely on the ground of delay in lodging the first information report. Delay has the effect of putting the court on its guard to search if any explanation has been offered for the delay, and if offered, whether it is satisfactory or not. If the prosecution fails to satisfactorily explain the delay and there is a possibility of embellishment in the prosecution version on account of such delay, the delay would be fatal to the prosecution. However, if the delay is explained to the satisfaction of the court, the delay cannot by itself be a ground for disbelieving and discarding the entire prosecution case."

30. The delay per-se is not material if satisfactorily explained. Here, the first information report is prompt contains all material facts and rules out any possibility of embellishment or afterthought. Hence, the delay of 9 hours is satisfactorily explained by the prosecution.

31. The next argument raised by learned counsel for the defence is that the real delay is in recording the statement of injured P.W.-2, Ravindra Pal, under Section- 161 Cr.P.C. which was done on 21.12.2023 i.e. 18 days after his discharge from Mayo Hospital. The learned counsel for the defence argued that unexplained delay in examining the material witness creates doubt and give scope for tutoring.

32. It is settled law that mere delay in recording the statement of injured witness under section 161 Cr.P.C. is not fatal to the prosecution case if the witness is otherwise found truthful and the delay is reasonably ex-

plained by the circumstances. In the case given in hand, the statement of injured witness P.W.-2, Ravindra Pal was recorded on 21.12.2023 i.e. 18 days after the incident of 03.12.2023. The delay stands explained by his serious medical condition. P.W.-5, Dr. Ravindra Mohan has proved the trauma and emergency papers as Exhibit Ka-4 stating that there was a swelling and deep wound in the head of injured Ravindra Pal. P.W.-6 Dr. Rahul Singh, Mayo Hospital has proved the discharge summary as Exhibit Ka-5 stating that the operation of injured's right tibia was done on dated 09.11.2023. The operation of injured's left hand and right foot was also done.

33. The Hon'ble Supreme Court in **State of U.P. vs Satish 2005, Volume- 3, SCC 114**, held that-

"As regards delayed examination of certain witnesses, this Court in several decisions has held that unless the Investigating officer is categorically asked as to why there was delay in examination for the witnesses the defence cannot gain any advantage therefrom. It cannot be laid down as a rule of universal application that if there is any delay in examination of a particular witness the prosecution version become suspect. It would depend upon several factors. If the explanation offered for the delayed examination is plausible and acceptable and the court accepts the same as plausible, there is no reason to interfere with the conclusion [See Ranbir and Ors. v. State of Punjab, AIR (1973) SC 1409, Bodhraj @ Rodha and Ors. v. State of Jammu and Kashmir, [2002] 8 SCC 45 and Banti @ Guddu v. State of M.P., [2004] 1 SCC 414.] The High Court has placed reliance on a decision of this Court in Ganesh Bhayan Patel and Anr. v. State of Maharashtra, [1978] 4 SCC 371. A bare reading of the fact situation of that case shows that the delayed examination by I.O. was not the only factor which was considered to be determinative. On the contrary it was held that there were catena of factors which when taken together with the delayed examination provided basis for acquittal."

34. P.W.-8, Kanhaiya Yadav, I.O. has stated that the statement of injured was recorded after recovery. More importantly, the core of P.W.-3's testimony i.e. assault of accused persons with lathi-dandas on head is cor-

roborated by the prompt FIR (Exhibit Ka-2), medical evidence Exhibit Ka-4 and Exhibit Ka-5. The delay has not resulted any material improvement qua accused persons because the manner of assault and weapon were already stated in F.I.R.

35. The sub-stratum of prosecution is intact, hence the testimony cannot be discarded. Therefore, the delay of 18 days in recording 161 Cr.P.C. statement of injured P.W.-2 Ravindra Pal is neither unexplained nor fatal. The injured is the stamped witness and his evidence cannot be thrown out merely on ground of delay when his presence at spot and injury are proved beyond reasonable doubt.

36. Analysis of evidences of P.W.-1 Sarita Yadav, P.W.-2 Ravindra Pal, P.W.-3 Savitri -

Learned counsel for the prosecution submitted that P.W.-1 Sarita Yadav, P.W.-2 Ravindra Pal and P.W.-3 Savitri are eyewitnesses/ injured witnesses and their presence on spot cannot be doubted. Per contra, learned counsel for the defence submitted that P.W.-1 Sarita Yadav and P.W.-3 Savitri are related witnesses, hence their testimony cannot be believed and cannot be relied upon.

37. Perusal of testimony of P.W.-1, Sarita Yadav amply shows that the incident took place on 02.11.2023 at 09.00 PM. She was sitting at her doorstep of her house with her husband Ravindra Pal. At that same time, over the issue of water flowing on the road, the opponents/neighbours Suraj, Kunna, Lalit, Suraj's mother Savitri, Seema Devi started abusing her and her husband with filthy language. When they objected, they started beating her and her husband with lathis and dandas. On hearing of their commotion, Savitri and Sanjay came to save them and they were also beaten by the accused persons. The injured Ravindra Pal fell on the ground and became unconscious. Someone from the village dialed 112 and ambulance took her, her husband, Savitri and Sanjay to C.H.C. Suratganj. From there, due to the serious condition of her husband and Savitri Verma, they were referred to District Hospital Barabanki. On dated 03.11.2023, she went to Police Station Mohammadpur Khala to give information about the incident with a person named Rampal of her village. The application was written by one person as per her dictation, then after hearing it she signed on it. The witness identified her signature on written tehrir on which Exhibit Ka-1 was marked. Perusal of evidence of P.W.-1 shows that she was present on the spot and there is no contradiction and embellishment in his statement. Hence, his statement is reliable and cannot be doubted. P.W.-3 Savitri who also injured in the said incident, was

also present on the spot. P.W.-3, Savitri is not relative of injured Ravindra Pal but she is a resident of same village. She has stated that on hearing the sounds of lathies and Bachao Bachao of injured Ravindra Pal, she reached on the spot with her son Sanjay and saw that the accused persons were beating Ravindra and his wife Sarita with lathi-dandas. She further stated the the accused persons beat injured persons with intention to kill them. When she objected this, the above accused persons also beat her and her son Sanjay with lathi-dandas. They also sustained injuries on their body. This witness is also intact. In her cross-examination, she has stated that she has no connection or association with complainant Sarita Yadav. There is a distance of 4-5 houses between her house and Ravindra's house. The incident night was bright and light was on. She further stated that she has no knowledge that in relation to the murder of Ramsevak, his son Sanjay and Ravindra alias Kallu are accused persons. Hence, she is an independent witness. She further stated that after causing injury, the accused persons ran away. She is not giving the statement on tutoring of complainant Sarita Yadav. Hence, it is being held that P.W.-3 is independent witness and is reliable and her testimony is free from tutoring contradiction and embellishment.

38. In case of **Rahul Versus State of Haryana (2021) 11 Supreme Court Cases 149**, the Apex Court has held that:-

"While rejecting the plea that the witnesses were in close relation to the deceased, in the case of Ram Chander &Ors.v. State of Haryana this Court has held as under:

33. The submission of the learned counsel for the appellants that since Guddi (PW 9) was in close relation with the deceased persons, she should not be believed for want of evidence of any independent witness, deserves to be rejected in the light of the law laid down by this Court in Dalbir Kaur v. State of Punjab (1976) 4 SCC 158 and Harbans Kaur v. State of Haryana (2005) 9 SCC 195, which lays down the following proposition (Harbans Kaur case, SCC p.198, para 7)

"7. There is no proposition in law that relatives are to be treated as untruthful witnesses. On the contrary, reason has to be shown when a plea of partiality is raised to show that the witnesses had reason to shield the actual culprit and falsely implicate the accused."

39. Testimony of injured witness:-

The testimony of injured witness stands on a higher pedestal than any other witness and carries special evidentiary laws that an injured witness will not falsely implicate innocent persons and led the real culprit go free because he himself has suffered the injury. P.W.-2 Ravindra Pal is the injured witness who sustained grievous head and limb injury has proved by P.W.-5 Dr. Ravindra Mohan. There was a swelling and wound in the head of injured person. P.W.-6 Dr. Rahul Singh prepared the discharge summary as Exhibit Ka-5. His presence at the spot at the time of occurrence is proved beyond reasonable doubt by his injuries and by prompt F.I.R. lodged at 06.05 hours on dated 03.11.2023.

40. In **State of U.P. vs Kishan chand, 2004 SCC 629**, The Hon'ble Court held that-

"The testimony of stamped witness has its own relevancy and efficacy. The law on the point can be summarized to the effect that the testimony of the injured witness is accorded a special status in law. This is a consequence of the fact that the injury to the witness is an in-built guarantee on his presence. At the scene of crime and because the witness did not want to let his actual assailant go unpunished merely to falsely implicate a third party for the commission of the offence. Thus the description of the injured witness should be relied upon. There is no strong ground for rejection of her evidence on the basis of minor contradictions and discrepancies."

41. In case of **Balu Sudam Khalde vs. The State of Maharashtra AIR 2023 SC 1736**, The Hon'ble Supreme Court has held that-

"Enumerating the judicially evolved principles for appreciation of ocular evidence in a criminal case observed, "As has been already noted while discussing the principles for appreciation of ocular evidence in a criminal case, it is not expected from the witnesses to possess a photographic memory to recall each and every detail of an incident. It has to be borne in mind while appreciating the evidence of an eyewitness or an injured that occurrence is never anticipated and, therefore, a witness is generally

overtaken by events and observations of an event differ from person to person”, thus, noting that even though there were certain contradictions in the statements of the witnesses as regards type of weapons used, as also the sequence of events, having regard to the insignificant nature of the contradictions, their testimony cannot be disbelieved."

42. In case of **Abdul Sayeed vs State of M.P. (2010) 10 SCC 259**, The Hon'ble Supreme Court has held that-

"The question of the weight to be attached to the evidence of a witness that was himself injured in the course of the occurrence has been extensively discussed by this Court. Where a witness to the occurrence has himself been injured in the incident, the testimony of such a witness is generally considered to be very reliable, as he is a witness that comes with a built-in guarantee of his presence at the scene of the crime and is unlikely to spare his actual assailant(s) in order to falsely implicate someone. Convincing evidence is required to discredit an injured witness."

43. In case of **Jarnail Singh vs State of Punjab, 2009 Volume-9 SCC, 719, Para-17**, the Hon'ble Court has held that-

"17. Undoubtedly, in the FIR appellants' name have not been mentioned. The FIR is not the encyclopedia of all the facts relating to crime. The only requirement is that at the time of lodging FIR, the informant should state all those facts which normally strike to mind and help in assessing the gravity of the crime or identity of the culprit briefly."

44. The core of his testimony that accused persons hit him with lathis on his body is consistent corroborated by prompt F.I.R., medical evidence Exhibit Ka-4 and Exhibit Ka-5.

45. In case of **State of U.P. v. Naresh (2011) 4 SCC 324**, The Hon'ble Supreme Court has held that-

"The evidence of an injured weightage being a witness must be given due stamped witness, thus, his presence cannot be doubted. His state-

ment is generally considered to be very reliable and it is unlikely that he has spared the actual assailant in order to falsely implicate someone else. The testimony of an injured relevancy and efficacy as he has sustained injuries at the time and place of occurrence and this lends support to his testimony that he was present during the occurrence. Thus, the testimony of an injured witness is accorded a special status in law. The witness would not like or want to let his actual assailant go unpunished merely to implicate a third person falsely for the commission of the offence."

46. The rule is that substratum of prosecution case is proved by injured witness and supported by medical evidence. Minor embellishments are to be ignored therefore, P.W.-2 Ravindra Pal being a stamped witness, his testimony regarding assault by accused persons with lathi-dandas is reliable and trustworthy and minor contradictions or delay if 161 Cr.P.C. statement cannot be ground discarded his entire evidence.

47. Mode of occurrence and medical report in corroboration of ocular evidence-

Learned counsel for the defence vehemently submitted that the presence of P.W.-1 Sarita Yadav and P.W.-3 Savitri on the place of occurrence is not probable because at the time of the incident, there was no reason for them to present there while the learned counsel for the prosecution stated that P.W.-1 Sarita Yadav wife of injured was with injured Ravindra Pal as they were sitting in front of their house. P.W.-3 Savitri came on the spot and she saw the entire incident. She was also sent to C.H.C. Suratganj with injured Ravindra Pal.

From perusal and analysis of evidence of P.W.-1, Sarita Yadav, it is clear that she alongwith her husband Ravindra Pal, was sitting at her doorstep. At that time, over the issue of water flowing on the road, the opponents Suraj, Kunna, Lalit, Savitri and Seema Devi started abusing her and her husband with filthy language. When they objected, they began to beat her and her husband lathi-dandas. On hearing the commotion, Savitri and Sanjay came on the spot and they were also beaten by the accused persons. The injured Ravindra Pal fell on the ground and became unconscious. The ambulance took her, her husband, Savitri and Sanjay to C.H.C. Suratganj. From where, due to the serious condition of her hus-

band and Savitri Verma, they were referred to District Hospital Barabanki. On dated 03.11.2023, she went to Police Station Mohammadpur Khala to give information about the incident with a person named Rampal of her village. The further treatment of injured Ravindra Pal was done at Trauma Centre and Mayo Hospital. The statement of P.W.-3 Savitri is fully corroborated with the statement of P.W.-1, Sarita Yadav. The statement of injured witness P.W.-2 Ravindra Pal also corroborated the prosecution version. He stated that on dated 02.11.2023 at 9 o'clock. He was sitting at the doorstep of his house, his wife was also sitting there. At the same time, accused persons Satish Chandra @ Chhote son of Chhedalal, Seema wife of Satish Chandra @ Chhote, Lalit @ Kunna, Suraj @ Om Singh Yadav sons of Suresh Chandra and Suraj's mother Savitri of his own family came and regarding water flowing on the road, started abusing him with filthy languages. On objecting this, the above five accused persons, armed with lathis and dandas in their hands started beating him. On the noise of her wife Sarita for help, Savitri Verma and Sanjay Verma of the village came to save them. Then, all the above opponents also beat Savitri Verma, Sanjay Verma and his wife. Hearing the commotion, many people from the village came to the spot. Then the accused, while abusing and thinking him to be dead, ran away from the spot. Due to sustaining many injuries, he became unconscious. He does not know where he was taken. He got consciousness after many days in the Trauma Centre. In the above assault, his right leg, right hand, and left hand were fractured. His head was also injured in the said incident. After regaining consciousness, the Sub-Inspector recorded his statement. The Medical evidence of injured Ravindra Pal is in corroboration of the ocular evidence of P.W.-1 Sarita Yadav and P.W.-3 Savitri. P.W.-5 Dr. Ravindra Mohan has stated in his statement that he medically examined injured Ravindra Pal after referring from District Hospital Barabanki. On dated 03.11.2023, he was serving as Associate Professor, Orthopedics in K.G.M.U., Lucknow. On that day, injured Ravindra Pal came to the Trauma and Emergency Department of K.G.M.U. at 05:00 a.m. The treatment and examination of the injured was done by various departments, under which he was examined in the Orthopedics Department under his supervision. The injured had a fractured ulna bone in the left hand. There was also a fracture in the 2nd Metacarpal bone of the right hand. There was a fracture in the Tibia bone of the right leg and there was also a wound over it. The injured person stated that he was beaten and got injured. Blood circulation and fingers were working. Under his supervision, plaster was applied on the right

hand, right leg and left hand by the doctors. Due to non-availability of beds, he was referred to Balrampur Hospital by the Neuro Surgery Department. The witness identified the forms related to treatment in the Emergency Department on which Exhibit Ka-4 was marked. After this, on dated 09.11.2023, the injured Ravindra Pal was admitted to Mayo Hospital at 11:48 PM. He was the in-charge of Unit-18 in the Orthopedics Department. The operation of the Right Tibia of the injured was done by his junior Dr. Vivek at 11:50 a.m. on 09.11.2023. The operation of the left hand and right leg of the injured was also done. The injured Ravindra Pal was discharged on Date 04.12.2023. The discharge summary is signed by Dr. Vivek. The witness verified the signature of Dr. Vivek after seeing the discharge summary on which Exhibit Ka-5 was marked. Hence, the medical evidence is in corroboration of the ocular evidence of P.W.-2 Ravindra Pal.

48. Hence, it is proved that accused persons with intention and knowledge struck Ravindra Pal on, hand and leg causing severe injuries.

49. Non-recovery of weapons:-

The learned counsel for the defence argued that no weapon was recovered by the investigating officer neither the lathi-danda was recovered as such the incident could not be deemed to be proved.

This argument of the defence counsel is not maintainable because to prove the case of prosecution, recovery of weapon is not always necessary specially if eyewitness account is there. In the present matter, two eye-witnesses and one injured witness have proved the incident. It's injuries have been corroborated by medical evidence. Hence, non-recovery of weapon cannot demolish the case of prosecution.

50. In case of **Mekala Sivaiah vs The State Of Andhra Pradesh (2022) 8 Supreme Court 253**, the Hon'ble Apex Court, in this regard it was held that:-

- (ii) When there is ample ocular evidence corroborated by medical evidence, mere non-recovery of weapon from the appellant would not materially affect the case prosecution. of*
- (iii) if the testimony of eye-witness is otherwise found trustworthy and reliable, the same could not be disbelieved and rejected merely because certain insignificant, normal or natural contradictions have appeared into this testimony.*

51. In case of **Kalua @ Koshal Kishore vs The State Of Rajasthan** 2019 SCC Supreme Court 683. The Hon'ble Court held that:-

Non-recovery of weapon would not affect materially the prosecution case. Where there is ocular evidence of incidence and the injured witnesses stated, they were beaten with Lathi, Danda and Axe. Step by step, narration was given by them. Even in his statement Lalta said that Lathi was blown over head and he became unconscious. Also as per injury report, his brain was operated. The Clavical Bone was found fractured and Haematoma was removed from brain by operation. While applying the aforesaid ratio of law points of law points to the facts of case given in hand it is noticed the non-recovery of weapon is immaterial.

52. **Motive-** Learned counsel for the defence further argued that the motive for commission of offence has not been proved. While the learned incharge D.G.C. (Criminal) submitted that in case of direct evidence and injured witnesses of motive loses its importance.

The argument put forth by learned counsel for the defence has no force because where there is direct and ocular evidence, the motive loses its importance. Though, generally, there remains a motive for commission of the crime, but that motive remains hidden in the mind of miscreants. In the present case, the incident has been proved by direct evidence of eye-witness P.W.-1 Sarita Yadav and P.W.-3 Savitri and injured witness P.W.-2 Ravindra Pal which is supported by the medical evidence of P.W.-5 Dr. Ravindra Mohan and P.W.-6 Dr. Rahul Singh.

53. In case of **Surinder Singh vs State (The Union Territory Of Chandigarh)** 2021 SCC OnLine, Supreme Court 1135, the Hon'ble Apex Court, has held that:-

"We are thus of the considered opinion that while motive is infallibly, the crucial effect and the substantial add for evincing the commission of an offence but the absence thereof is however not such a quintessential component which can be construed as fatal to the case of prosecution, specially on when the other factors, point towards guilt of accused and testament of eye-witnesses to the offense of him malfeasance are on.

54. Section-307/34 I.P.C. is not made out against accused persons-

To prove the case under Section- 307 I.P.C. against the accused persons, the prosecution must prove that the accused persons committed an act with the definite intention or knowledge that if the act were successful, it would cause death of injured.

55. In the said case, the fight/quarrel happened suddenly. It arose on a petty dispute of flowing water without prior planning to kill the injured persons. It is also evident from perusal of record that the nature of weapons used in the said incident are not lethal (lathi-danda). From perusal of medical report of injured, injuries sustained by him are not on the vital part of his body. There was no intention as it may cause death of injured Ravindra Pal. Hence, the prosecution failed to prove its case against the accused persons attempt to murder under Section 307/34 I.P.C.

56. The First Information Report (FIR) of the present case available on record was registered on 03.11.2023 at 06:05 AM, in which the time and date of the incident are recorded as 01.11.2023 at 21:00 hours (9:00 PM). On the other hand, based on documentary evidence from the defence side, an FIR was registered by the defence accused Suraj Yadav against Ravindrapal and Sarita, showing the incident occurred on 02.11.2023 at 18:00 hours (6:00 PM), and was registered on the same day, 02.11.2023, at 20:13 hours (8:13 PM). In the said case, the Investigating Officer (I.O.) has submitted the chargesheet.

57. In summation:

(i) The prosecution succeeded to prove the guilt of accused persons beyond reasonable doubt.

(ii) The statements of P.W.-1 Sarita Yadav (complainant/injured witness), P.W.-2 Ravindra Pal alias Kallu (injured witness), P.W.-3 Savitri are credible and can be acted upon.

(iii) There is no contradiction and embellishment in the statement of aforesaid witnesses.

(iv) The ocular evidence of the witnesses is corroborated with medical evidence.

58. The Verdict:

In view of the preceding narrative, I hold that accused persons are held guilty of charge for offence under section- 323/34 I.P.C. for voluntarily causing hurt by beating injured with lathi-dandas and as per report, injury was caused to Ravindra Pal.

Accused persons are also held guilty of charge for offence under section- 325/34 I.P.C. for voluntarily causing grievous hurt to injured by which Ravindra Pal alias Kallu sustained several fractures on his body.

Accused persons are also held guilty of charge for offence under section- 504 I.P.C. as they insulted complainant Sarita and his husband Ravindra Pal by abusing them.

Accused persons are also held guilty of charge for offence under section- 506 I.P.C. for threatening to complainant Sarita and his husband Ravindra Pal to kill them.

Accused persons are not held guilty of charge for offence under section- 307/34 I.P.C. as there was no intention to cause the death of injured Ravindra Pal alias Kallu and the injuries were not on vital part so as likely to cause death and the prosecution failed to prove the charge under Section- 307/34 I.P.C.

ORDER

Therefore, accused persons **Chhote @ Satish Chandra, Suraj, Kunna alias Lalit, Savitri Devi and Smt. Seema** are entitled to get the benefit of doubt and are acquitted from the charge under section- 307/34 I.P.C.

Accused persons **Chhote @ Satish Chandra, Suraj, Kunna alias Lalit, Savitri Devi and Smt. Seema** are held guilty and convicted under sections- 323/34, 325/34, 504, 506 I.P.C.

The accused persons are present in the court. They shall be taken into custody.

Judgment signed, dated and pronounced in open court today.

Dated:- 10.08.2026

(Pratima Srivastava)
Sessions Judge,
Barabanki
JO Code UP1899

Learned counsel for the defence requested to be heard on the point of sentence.

Allowed.

Put up after lunch for hearing on the point of sentence.

Dated:- 10.08.2026

(Pratima Srivastava)
Sessions Judge,
Barabanki
JO Code UP1899

10.08.2026

File taken up after lunch on the point of sentence.

Present;

I have heard the argument on the point of sentence also. Learned Incharge D.G.C. (Criminal) submitted that severe punishment may be given to the accused persons whereas the accused persons have submitted that they are family members and no such incident took place. It is submitted that a lenient view may kindly be taken as it was an altercation between the both parties over the petty dispute of flowing water on the road. It is repeatedly submitted that a lenient view may be taken.

I have carefully perused the submissions made at the bar in the light of material available on record.

The evidence of P.W.-1, P.W.-2 and P.W.-3 shows that there was no enmity between the parties and they are family members and the altercation took place over the dispute of flowing of water on the road in which there was no intention to cause injury to injured Ravindra Pal.

The learned counsel for the defence also prayed that instead of sentencing, the accused with imprisonment, they may be released on probation.

In case of **Lakhvir Singh vs State of Punjab and Others L.L. 2021 SC 27**, The Hon'ble Court has held that-

"14. The facts of the present case are that the appellants have not served out the minimum sentence of 7 years though they have served about half the sentences. They were aged under 19 & 21 years of age as on the date of offence but not on the date of sentence. The redeeming feature in their case is that the person who suffered, appears to have forgiven them, possibly with the passage of time. There is no adverse report against them about their conduct in jail otherwise the same would have been brought to our notice by learned counsel for the State. Faced with the aforesaid legal position, this is a fit case that the benefit of probation can be extended to the appellants under the said act in view of the provisions of Section 4 of the said Act on completion of half the sentence.,,

"15. We, thus, release the appellants on probation of good conduct under Section 4 of the said

Act on their completion of half the sentence and on their entering into a bond with two sureties each to ensure that they maintain peace and good behaviour for the remaining part of their sentence, failing which they can be called upon to serve that part of the sentence.,

In case of **Somdatt and others vs State of Himachal Pradesh 2022 latest case law 285 S.C.**, The Hon'bel Supreme Court has held that-

"6. Section 3 and 4 of the Probation of Offenders Act empower the courts to release the offenders on probation of good conduct in the cases and circumstances mentioned therein. Similarly, Sections 360 and 361 of the Cr.P.C also empower the courts to release the offenders on probation of good conduct in the cases and circumstances mentioned therein. Hence, having regard to sentence imposed by the courts below on the appellants for the offence under Section 379 read with Section 34 of IPC, and having regard to the fact there are no criminal antecedents against the appellants, the court is inclined to give them the benefit of releasing them on probation of good conduct. In that view of the matter, while maintaining the conviction and sentence imposed on the appellants, it is directed that the appellants shall be released on probation of good conduct, on each of the appellants furnishing a personal bond of Rs. 25,000/- with surety of the like amount, and on further furnishing an undertaking to keep the peace and good behaviour for a period of three years, to the satisfaction of the concerned trial court. It is further directed that if the appellants failed to comply with the said directions or commit breach of the undertaking given by them, they shall be called upon to undergo the sentence imposed by the trial court."

On evaluating the case in hand in the light of the opinion determined by the Honourable Court in the above mentioned legal precedents, it is clear that the accused party caused injury to P.W.-2, Ravindra Pal. It is also worth mentioning here that both the parties are residents of the same village and they are the family members. The accused persons have

no previous criminal history. Therefore, under the above circumstances, it seems justified to give the benefit of probation to the accused persons instead of punishing them with the punishment of imprisonment.

Order

The accused persons **Chhote @ Satish Chandra, Suraj, Kunna alias Lalit, Savitri Devi and Smt. Seema** are being held guilty for committing the offence punishable **U/s- 323/34, 325/34, 504, 506 I.P.C.**

The accused are convicted and sentenced for the offence under Section **U/s- 323/34, 325/34, 504, 506 I.P.C.**

Instead of punishing the accused persons immediately for the above charge, under Section- 4 of the Probation Act, each accused persons have to furnish **one surety of Rs. 50,000/- each** and a bond of the same amount within a week for a period of one year to maintain peace and good conduct upon execution, they are released on the condition that they will maintain peace and good conduct during the said period. In case of violation of the conditions, they will appear when summoned by the Court and after hearing on the punishment, they will have to undergo the punishment imposed

Dated:- 10.08.2026

(Pratima Srivastava)
Sessions Judge,
Barabanki.
JO Code UP1899

The judgment signed, dated and pronounced by me in open court today.

Dated:- 10.08.2026

(Pratima Srivastava)
Sessions Judge,
Barabanki.
JO Code UP1899