



UPBB010057172025

In the Court of Sessions Judge, Barabanki
(Present:- Pratima Srivastava, H.J.S.)
(I.D. No.- U.P.-1899)
Sessions Case No. 1487/2025

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

Vs

Roopchandra son of Indal, resident of village- Taikala, P.S. Deva,
District- Barabanki.

.....**Accused/applicant.**

Crime No. 243/2024
U/s-307 I.P.C.
Police Station- Deva,
District- Barabanki.

JUDGMENT

The accused Roopchandra was tried by this court in the case of
crime no. 243/2024, U/s- 307 I.P.C. Police Station- Deva, District- Barabanki.

Factual Prism:-

1. Brief facts of the case, as narrated by the prosecution story are that complainant Sravan Singh, son of Lalbabu Singh, is a permanent resident of Village Purvi Nai Basti Salehnagar, P.S.- Deva, District- Barabanki. On dated 19.04.2024, there was a Tilak ceremony function of the son of Avadesh. His cousin Balveer Singh, son of Shivkumar Singh and he had gone there on invitation. At around 11:00 PM in the night, they were eating food then Roopchandra, a relative of Avadesh and son of Indal, resident of Taikala, P.S. Deva, District Barabanki was present there. He was drinking alcohol, came from behind, pulled the collar of Balveer from behind. His brother Balveer Singh asked him why he is pulling his collar. On this issue, accused Roopchandra, with the bottle he was holding in his hand, repeatedly struck his brother Balveer Singh on his head with intention to kill him. Due to this, his brother Balveer Singh became soaked with blood, fell unconscious on the spot, and collapsed. They brought him to the Government Hospital in Deva but due to his serious condition, the doctor referred him to the District Hospital in Barabanki. Balveer's father and other family members have gone with him in the ambulance for treatment.

2. On the basis of said complaint given by the complainant (Exhibit

Ka-1), the first information report no. 243/2024, U/s- 307 I.P.C. was registered against the accused Roopchandra on dated 20.04.2024 at 01.20 hours (Exhibit Ka-2) and entry was made in General Diary no. 08 on dated 20.04.2024 at 01.20 hours (Exhibit Ka-3).

3. Thereafter, the investigation was entrusted to S.I. Kanhaiya Kumar Yadav on dated 20.04.2024. On that day, after the complainant's written report in the above case was recorded, the investigation was entrusted to him. He perused the copy of the FIR and copy of the General Diary received from the police station. He recorded the statement of the First Information Report writer, Jai Prakash Singh. On dated 21.04.2024, he reached the complainant's village Nai Basti Salehnagar and recorded the statement of the complainant Shravan Singh. Based on the complainant's indication, he inspected the crime scene and prepared a site map and proved it as (Exhibit Ka-6). In the presence of complainant Shravan Singh and witness Arvind Singh, he took into police custody the one broken liquor bottle used in the incident, sealed it, prepared a sample seal, and prepared the recovery memo in his own handwriting and signature. The witness identified his signature on recovery memo Exhibit Ka-7. On dated 05.05.2024, he recorded the statement of injured Balveer Singh. After the transfer of aforementioned investigating officer, the further investigation was conducted by S.I. Ghanshyam Verma. He perused the previous case diary entries on the same day, perused the supplementary medical report of injured Balveer. He perused the Forensic Science Laboratory receipt. He visited CHC Deva and obtained a photocopy of the Emergency Register and details of his referral to District Hospital, Barabanki, which was annexed to the case diary. On 01.08.2024, he reached the District Hospital and after observing the serious and critical condition of injured Balveer, referred him to the Trauma Center. Based on the entire investigation conducted so far and the evidence collected, the offence under Section- 307 I.P.C. against accused Roopchandra was found to be well proved. He submitted the chargesheet No. 429/24 dated 01.08.2024 to the court under his own signature. The witness identified his signature after seeing the chargesheet and proved it as (Exhibit Ka-8).

4. 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.

5. After hearing the parties and perusing documents, charge in respect of commission of offence punishable under Section- 307 I.P.C. was framed on dated 19.07.2025 by Sessions Judge, Barabanki against accused Roopchandra who pleaded not guilty and claimed for trial.

6. In order to substantiate its allegations under Section- 307 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, Sravan Singh	Informant/eyewitness
PW-2, Rajneesh Singh	Eye-witness
PW-3, Balveer Singh	Injured witness
PW-4, Constable Moharir Jaiprakash Singh	FIR Writer
PW-5, Rampratap	Pharmacist
PW-6, Dr.Amit Verma	Doctor
PW-7, S.I. Kanhaiya Kumar Yadav	Investigating Officer
PW-8, S.I. Ghanshyam Verma	Investigating Officer
PW-9, Dr. Rishikesh Singh	Doctor

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

Documentary Evidence-

Written Tehrir	Exhibit Ka-1
First Information Report	Exhibit Ka-2
General Diary No. 08	Exhibit Ka-3
IPD Case sheet	Exhibit Ka-4
O.P.D. Ticket	ExhibitKa-5
Site-Plan	ExhibitKa-6
Recovery memo of bottle	Exhibit Ka-7
Final Report	Exhibit Ka-8
Patient History sheet	Exhibit Ka-9
Discharge Summary	Exhibit Ka-10

8. After the conclusion of the evidence, the statement of the accused was recorded under section 313 Cr.P.C., in which the accused denied the allegations and further stated that he was falsely implicated in the said case. Due to the enmity of the village, his cousin was falsely implicated. He did not beat anyone.

9. 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.

10. 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 in the night at about 11 am. F.I.R. was lodged promptly on 20.04.2024 at 01.20 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.

11. The learned counsel for the accused has argued that the allegations alleged by the prosecution against the accused are not proved beyond the reasonable doubt. 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 Sravan Singh, P.W.2 Rajneesh Singh are not reliable as they all are related witnesses. The Prosecution has failed to prove the case beyond reasonable doubt.

:-Testimony of Prosecution Witnesses:-

12. The witness **P.W.1, Sravan Singh** deposed in his examination in chief that the incident occurred on dated 19.04.2024. It was the tilak ceremony of Narendra S/o Avdhesh of his village, which was held in his village. On invitation, he and his brother Balveer S/o Shiv Kumar were returning after having dinner. Then Roopchandra, who is the son of Narendra's paternal uncle, struck Balveer's head with liquor bottle he was holding. Ghanshyam, who is Narendra's brother-in-law, was holding Balveer's hand from behind. He was standing about 10 meters away. The tilak ceremony was in front of Narendra's house, it was there that Roopchandra hit Balveer. He ran and went to catch Roopchandra, Roopchandra was about to hit Balveer's stomach with the liquor bottle. The bottle was made of glass. Balveer sustained an injury on his head and his eye came out. Blood fell on his body and his entire body got drenched with blood. Balveer became unconscious and fell down. Roopchandra and Ghanshyam fled away from the spot. They took Balveer to CHC Deva but due to his critical condition, his uncle took him to the District Hospital, Barabanki. The police called him from CHC Deva to police station and there he wrote an application, signed on it, and submitted it to the police station. The witness identified his signature on written tehrir (Exhibit Ka-1). He does not know the name of Ghanshyam's father. Since he did not know the name or address, he did not submit an application against Ghanshyam.

13. The witness **P.W.2, Rajneesh Singh** deposed in his examination in chief that on dated 19.04.2024, there was tilak ceremony at the house of Narendra Singh son of Harinam in his village. He had gone there with Balveer, Sravan and Arvind. They were returning after dinner and were 10-15 meters away from the pandal, when Roopchandra and Ghanshyam called Balveer. Roopchandra is from Tai Kala and is an accused in this case, and Ghanshyam is Roopchandra's brother-in-law. He saw that Roopchandra struck Balveer with a liquor bottle. The liquor bottle was made of glass. When they ran to catch Roopchandra and Ghanshyam, he saw that Roopchandra was about to hit Balveer in the stomach with the bottle, so Sravan caught hold Roopchandra. Ghanshyam was holding

Balveer's hand from behind. Due to hitting Balveer with the glass bottle, Balveer's eye came out. Balveer fell down unconscious and Roopchandra and Ghanshyam fled away. He had taken Balveer in an injured condition to Deva Hospital.

14. The witness **P.W.3, Balveer Singh**, deposed in his examination in chief that on 19.04.2024, it was the tilak ceremony of Narendra Singh of his village. He had gone to the tilak ceremony on invitation in evening. Sravan Singh of his family and Rajneesh Singh from the village had also gone there. There, Roopchandra, Narendra's paternal aunt's son and is a resident of Tai Kala was drinking liquor from glass bottle in the pandal, where they had gone to eat. They were about to return after eating when at around 10:30-11:00 PM Roopchandra and Ghanshyam, called him. He was about 10 steps away from them. They called him and Roopchandra started abusing him and Ghanshyam caught hold his hand from behind. When he objected to the abuses, Ghanshyam said, "Kill him," and then Roopchandra, with intent to kill, repeatedly struck on his head with the glass bottle he was holding in his hand and broke the bottle on his head. Roopchandra tried to stab him in the stomach. Then, Sravan Singh and Rajneesh saved him. Ghanshyam and Roopchandra were abusing him and threatening to kill him, saying, "You act like a big army Jawan, we will not let you get recruited". He had qualified for ITBP and his CRPF exam was about to happen. These people were inimical to him because of his selection. Due to these injuries caused by these people, he could not get recruited and his life was ruined. He has brought documents related to Central Reserve Police Force and ITBP, and is submitting self-attested copies to the case file with the permission of the Hon'ble Court. Because of Roopchandra's assault he became unconscious and fell down. He was taken to Lucknow Medical College. He regained consciousness 1 day later. He was unconscious, so he does not know who took him to the hospital. After regaining consciousness, the Sub-Inspector recorded his statement.

15. The witness **P.W.-4, (Constable Moharir) Jai Prakash Singh** deposed in his examination in chief that on the night of 19.04.2024 and 20.04.2024, he was posted as Constable Clerk at Police Station Deva, Barabanki. On that day Sravan Singh S/o Lalbabu Singh came to the police station and submitted a typed written complaint, which bore Sravan Singh's signature. Based on this complaint, he registered Case Crime No. 243/2024, under Section 307 IPC, on 20.04.2024 at 01:20 AM by getting it written verbatim. The witness identified the First Information Report and proved it as Exhibit Ka-2. On the back of the complaint, he recorded the case details and put his signature. The witness identified his handwriting and signature

recorded on the back of the complaint Exhibit Ka-1. The GD entry no. 8 dated 20.04.2024 at 01.20 hours was made by him and witness proved it Exhibit Ka-3.

16. The witness **P.W.5, Rampratap (Pharmacist)** deposed in his examination in chief that he is posted as a Pharmacist at the District Hospital, Barabanki and also handles record keeping for the District Hospital. He is present with the original copy Bed head ticket no. 9575 prepared on 20.04.2024 at 12:42 AM for the admission of injured Balveer Singh S/o Shivkumar, resident of Nai Basti Salehnagar, Deva, Barabanki. After being referred from CHC Deva, the injured was brought to District Hospital, Barabanki. He certified the photocopy of the referral slip prepared by CHC Deva along with the case sheet, after comparing it with the original. The head bed ticket number is 8/19 and from there Exhibit Ka-4 was marked on it. The CHC Deva referral slip is 8/20 and Exhibit Ka-5 was marked on it.

17. The witness **P.W.6, Dr. Amit Verma** deposed in his examination in chief that on 20.04.2024 he was posted as a Medical Officer at District Hospital, Barabanki. On that day, around 12.42 am. injured Balveer Singh was brought before him by his father Shivkumar. The injured's condition was serious. The injuries were severe. After initial treatment, he was referred from CHC Deva to Barabanki. The injured was bleeding from the nose. Due to physical assault, there was an injury on his head. The oxygen level was unstable. The injured was in an unconscious state. He had prepared the case sheet. After treatment, the injured was referred to K.G.M.U./ Dr. Ram Manohar Lohia Hospital. The witness identified his signature. He had not noted the injury as injured was in serious condition.

18. The witness **P.W.7 S.I. Kanhaiya Kumar Yadav** deposed in his examination in chief that he took over the investigation of Case Crime No. 243/2024 on 20.04.2024. At that time he was posted as Sub-Inspector at Police Station Deva. After registration of case, based on the complainant's written complaint, the investigation was handed over to him. He perused the copy of the Chik FIR and copy of the report received from the police station. He recorded the statement of the First Information Report writer Jai Prakash Singh in CD-1. On 21.04.2024, he reached the complainant's village Nai Basti Salehnagar, took the statement of the complainant Sravan Singh. At his pointing out, he inspected the crime scene and prepared site-plan in his own handwriting and with his signature. The site-map is marked as Exhibit Ka-6. He took statements of eyewitness Arvind S/o Ramayan Singh, and Rajnish Singh S/o Sipahi Singh. He perused Balveer Singh's

medical report. At the spot broken pieces of liquor bottle were lying around. The complainant told him that his cousin Balveer was injured by assault with this same liquor bottle. In the presence of complainant Sravan Singh and witness Arvind Singh, the bottle used in the incident was taken into police possession. He sealed it, prepared a sample seal, and prepared the seizure memo in his own handwriting and with his signature. The seizure memo was marked as Exhibit Ka-7. On 21.04.2024, based on information from a special informant, he reached near Mamapurnahar Bridge, Kasba Deva with the police force and arrested the accused Roopchandra S/o Indal, who was standing there, as per procedure. He recorded the accused's statement. Thereafter, due to his transfer, further investigation was conducted by another Investigating Officer.

19. The witness **P.W.8, S.I. Ghanshyam Verma** deposed in his examination in chief that 28.07.2024 he was posted as Sub-Inspector at Police Station Deva, District Barabanki. The investigation of Case Crime No. 243/2024, under Section 307 IPC was being conducted by Sub-Inspector Kanhaiya Lal Yadav, and after his transfer, as per the order of the SHO, the investigation of the said case was handed over to him. He examined the previous case diaries and on the same day examined the supplementary medical report of injured Balveer S/o Shivkumar from the police station office, which clearly showed that blood clots had formed in the head. He perused the forensic lab submission receipt for the liquor bottle with which accused Rupchandra had struck Balveer's head. Upon reaching CHC Deva, he obtained a photocopy of the emergency register which recorded the details of injured Balveer being brought to CHC Deva on 19.04.2024 at 11:55 PM and the details of being brought to District Hospital Barabanki, which he attached to the case diary. On 01.08.2024 he went to the District Hospital, and considering the serious and critical condition of injured Balveer, he had referred him to the Trauma Center. Based on the entire investigation and evidence collected so far, the offense under Section 307 IPC against accused Rupchandra was found to be well-proved. He sent the charge sheet No. 429/24 dated 01.08.2024 to the court under his own signature. The witness identified his signature after seeing the charge sheet and proved it as Exhibit Ka-8.

20. **PW-09 Dr. Rishikesh Singh** has stated on oath in his chief examination that on 20.04.2024 he was serving as Senior Resident-I in the Neurosurgery Department of Gandhi Memorial & Associated Hospital (K.G.M.U. Lucknow). On that day, injured Balveer S/o Shivkumar, resident of Shaleshnagar, Deva, Purvi Nai Basti, Police Station-Deva, District-Barabanki, was brought after being referred from District Hospital

Barabanki to NSW-Trauma-1 Ward/Bed No. in Unit-2 of the Neurosurgery Department. There was a blood clot in the injured's brain. Under his direction and by Unit doctors Saurabh Raina and Jayson Golmei, the injured was treated for four days. After his condition improved, he was discharged on 23.04.2024. At the time of admission, as per the team's diagnosis, there was an injury to his head. There was a fresh blood clot in the brain and the brain had shifted 0.38 cm from its place to the right side due to the immediate formation of blood. As per injured, he was inflicted with physical injury in Barabanki on 19.04.2024 at 11:00 PM and the injured's level of consciousness was low. Today he is present in court with the original Patient History Sheet No. TM-211783, and is certifying the photocopy after comparing it with the original. The 27-page certified Patient History Sheet submitted by the witness was included in the case file, on which Exhibit Ka-9 was marked. The injured's discharge summary was prepared on the computer under his direction at the time of discharge, on which he had put his signature. The witness identified his signature on the original discharge summary and proved it as Exhibit Ka-10.

21. 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:-

22. First Information Report:-

The learned counsel for the prosecution submitted that incident occurred on dated 19.04.2024 at 11.00 hours and first information report was lodged on 20.04.2024 at 01.20 hours and its entry in General Diary was made on 20.04.2024 at 01.20 hours. Injured Balveer is cousin of complainant Sravan Singh who was assaulted by accused Roopchandra on his head with intention to kill. Injured fell on the ground and became unconscious. Then complainant and his uncle carried him to C.H.C. Deva, Barabanki for medical treatment but due to critical condition he was sent to District Hospital, Barabanki whereas the learned counsel for the defence submitted that incident occurred on 19.04.2024 at 11.00 hours and the first information report was lodged on 20.04.2024 at 01.20 hours. The distance of police station from the place of incident is 4.5 km. Hence, there is delay in lodging 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.

23. 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."

24. The first information report was registered on 20.04.2024 at 01.20 hours on the basis of a written complaint given by the informant PW-1 Sravan Singh. The brief contents of the first information report are as follows-

"On 19.04.2024, there was a tilak ceremony which was attended by Balveer Singh son of Shiv Kumar Singh and by complainant himself. At around 11.00 pm, when they were eating food, then Roopchandra son of Indal, resident of Taikala, P.S. Deva, Barabanki was drinking alcohol. He came from behind and held the collar of Balveer. Balveer Singh objected then, the accused Roopchandra with the bottle he was holding, struck Balveer Singh's head with intention to kill. Due to this attack, his brother Balveer Singh sustained grievous injury and fell unconscious on the spot. First, they went to the Government Hospital Deva but due to the serious condition, doctor referred him to district hospital Barabanki. The family members of Balveer Singh took him to district hospital Barabanki and he came to inform about the incident." On the basis of written tehrir, the first information report was lodged at 1.20 hours on dated 20.04.2024. In order to prove the first information report, the prosecution adduced the evidence of P.W.-1 Sravan Singh who is the informer of the incident.

25. PW.-1 Sravan Singh stated that on 19.04.2024 on invitation, he and his brother Balveer went to the tilak ceremony of Narendra while they were returning after having dinner then, accused Roopchandra struck Balveer's head with liquor bottle, he was holding. Another person Ghanshyam who is Narendra's brother-in-law was holding Balveer's hand from behind. Roopchandra hit his brother Balveer on his head and he was about to Balveer stomach with the liquor bottle but he ran and caught Roopchandra. Balveer sustained injury on his head and his eyes came out. Balveer became unconscious and fell down. He took Balveer to CHC Deva

but due to his critical condition, his uncle took him to district hospital Barabanki. Police called him from CHC Deva to police station and there he wrote an application and submitted it to the police station. PW-1 proved Exhibit Ka-1, written complaint. In his cross-examination, he has stated that police station is five kilometers away from his village. The incident occurred at 11.00 pm and he reached police station at 01.00 am.

P.W.-3 Balveer Singh is the injured witness has also reiterated the statement given by P.W.-1. He has subsequently stated that they were about to return from tilak ceremony after eating. In the mean time, at around 10.30-11.00 p.m., accused Roopchandra and another person Ghanshyam who is Narendra's brother-in-law called him. Accused Roopchandra started abusing him and Ghanshyam got hold his hand from behind. He objected, then Ghanshyam said, "kill him". Then Roopchandra with intention to kill, repeatedly struck on his head with glass bottle he was holding in his hand. Accused Roopchandra also tried to stab the bottle in his stomach he was holding in his hand but he was saved by Sravan Singh and Rajneesh Singh. Due to Roopchandra's assault, he became unconscious and fell down on the ground. He was taken to Lucknow Medical college and regained consciousness one day later. After regaining consciousness, the sub-inspector recorded his statement.

The first information report was registered by P.W.-4 Constable Moharir Jaiprakash Singh who stated that on 19.04.2024, Sravan Singh son of late Babu came to the police station and submitted a typed written complaint which bore Sravan Singh's signature. Based on this complaint, he registered case crime no. 243/2024, under section- 307 I.P.C. on 20.04.2024 at 01.20 am. This witness proved first information report as Exhibit Ka-2. The General Diary No. 08 dated 20.04.2024 at 1.20 hours was also proved as Exhibit Ka-3. It has come in his evidence of S.I. Kanhaiya Kumar Yadav that after the registration of the case, the investigation was handed over to him. At the pointing of Sravan Singh, this witness seized pieces of broken liquor bottle which were lying around. P.W.-8, S.I. Ghanshyam Verma examined the supplementary medical report of injured Balveer which showed that blood clot formed in his head. From CHC Deva, he obtained the copy of emergency register which recorded the details of injured Balveer being brought to CHC Deva on 19.04.2024 at 11.45 pm and the details which bring brought to district hospital Barabanki. He also collected the evidence from King George Medical College regarding the serious condition of injured person.

26. After appreciating the rival contentions, it is clear that the time from 11.00 pm to 1.20 am is reasonably explained by the medical

emergency and the transportation of unconscious injured from village Nayi basti to CHC Deva and then to district hospital Barabanki has corroborated by hospital records as Exhibit Ka-4 and Exhibit Ka-5.

27. P.W.-1, Sravan Singh first rushed to CHC Deva and thereafter reached hospital barabanki where he was admitted at 11.45 am on 20.04.2024 as proved by P.W.-5 and 6. Immediately after securing medical aid, P.W.-1, reached at P.S.- Deva, Barabanki and lodged first information report as Exhibit Ka-2 at 1.20 am. Thus, the delay of only two hours 10 minutes stands fully explained by medical emergency.

28. 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."

29. 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 two hours is satisfactorily explained by the prosecution.

30. The next argument raised by learned counsel for the defence is that the real delay is in recording the statement of injured P.W.-3, Balveer Singh, under Section- 161 Cr.P.C. which was done on 05.05.2024 i.e. 16 days after his discharge from K.G.M.U. 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 explained by the circumstances. In the case given in hand, the statement of

injured witness P.W.-3 Balveer Singh was recorded on 05.05.2024 i.e. 16 days after the incident of 19.04.2024. The delay stands explained by his serious medical condition. P.W.-9 Dr. Ashok Kumar K.G.M.U., Lucknow has proved the discharge summary as Exhibit Ka-8 stating that the injured suffered blood clot in brain with 0.38 cm midline shift, remained unconscious, and was under treatment at KGMU till 23.04.2024. Even after discharge, the injured with (head injury) brain shift requires rest and he cannot be expected to give detail statement immediately.

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 becomes 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.-7, Kanhaiya Kumar Yadav, I.O. has stated that injured was under treatment, hence statement was recorded after recovery. More importantly, the core of P.W.-3's testimony i.e. assault of Roopchandra with bottle on head is corroborated by the prompt FIR (Exhibit Ka-2) lodged within 2.5 hours, medical evidence Exhibit Ka-5 and Exhibit Ka-8 showing dangerous injury, and recovery of broken bottle Exhibit Ka-7. The delay has

not resulted any material improvement qua accused Roopchandra because the manner of assault and weapon were already stated in FIR.

35. The sub-stratum of prosecution is intact hence the testimony cannot be discarded. Therefore, the delay of 16 days in recording 161 Cr.P.C. statement of injured P.W.-3, Balveer 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 PW-1 Sravan Singh, PW-2 Rajneesh Singh, PW-3- Balveer Singh-

Learned counsel for the prosecution submitted that P.W.-1 Sravan Singh and P.W.-2 Rajneesh Singh are eyewitnesses and their presence on spot cannot be doubted as they went to attend tilak ceremony in village. P.W.-3 Balveer Singh is injured witness and his evidence is of great importance. Per contra, learned counsel for the defence submitted that P.W.-1 Sravan Singh and P.W.-2 Rajneesh Singh are related witnesses, hence their testimony cannot be believed and cannot be relied upon.

37. Perusal of testimony of P.W.-1, Sravan Singh amply shows that he went to attend the tilak ceremony on 19.04.2024. It was tilak ceremony of Narendra who belong to the same village. Hence, it can be presumed that they must have gone to attend the tilak ceremony of Narendra who belong to the same village and invited Sravan Singh, Rajneesh Singh and Balveer Singh to attend tilak ceremony. PW.-1, Sravan Singh has given the entire description of the incident that accused Roopchandra who is son of Narendra's fufa, had hit Balveer on his head with liquor bottle which he was holding in his hand. He was also standing near ten meter away from the incident. It has come in evidence that accused Roopchandra was going to stab a broken bottle in the stomach of Balveer but Sravan caught hold him and saved him. Due to the injury, Balveer Singh's eyes came out and body was drenched with blood. Balveer was unconscious and fell down on the spot. He took him to CHC Deva. Perusal of evidence of P.W.-1 shows that he 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.-2 Rajneesh Singh was also present in tilak ceremony of Narendra Singh son of Harinam. P.W.-2, Rajneesh Singh is not relative of Balveer Singh but he is a resident of same village. He has stated that while he was returning after having dinner and were 10-15 meter away from pandal when Roopchandra and Ghanshyam called verbally. He saw that Roopchandra struck Balveer with liquor bottle. They ran to save Balveer. He saw that Roopchandra was about to hit Balveer with bottle in his

stomach. Sravan Singh got hold Roopchandra. Due to hitting Balveer with the glass bottle, Balveer sustained grievous injuries and his eyes came out. This witness is also intact. In his cross-examination, he has stated that he has no connection or association with complainant Sravan Singh. The place where the tilak ceremony was happening is about 400 meter away from his house. Balveer and Sravan had eaten the dinner and were returning back from tilak ceremony. Hence, it is clear that there is no enmity of Rajneesh Singh with accused Roopchandra, hence, he is an independent witness. He also gave the clear picture of place of incident and stated that place of incident was a field. He does not know whose field it was but Pandal was set up there. The place of occurrence was Lalbabu's field. After causing injury, the accused Roopchandra ran away. He is not giving the statement on tutoring of Sravan Singh. Hence, it is being held that P.W.-2 is independent witness and is reliable and his 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.-3 Balveer Singh is the injured witness who sustained grievous head injury with blood clotting and 0.38 cm midline shift in brain has proved by P.W.-9 Dr. Ashok Kumar. He prepared the discharge summary as Exhibit Ka-8. His presence at the spot at the time of occurrence is proved beyond doubt by his injuries and by prompt FIR lodged at 01.20 am on dated 20.04.2024.

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."

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."

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."

Further, 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."

40. The core of his testimony that accused Roopchandra hit him with glass bottle on his head is consistent corroborated by prompt FIR, medical evidence Exhibit Ka-5 and Exhibit Ka-8. Recovery of broken bottle is proved as Exhibit Ka-7.

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 statement 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."

41. 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.-3 Balveer Singh being a stamped witness, his testimony regarding assault by Roopchandra with bottle is reliable and trustworthy and minor contradictions or delay if 161 Cr.P.C. statement cannot be ground discarded his entire evidence.

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

Learned counsel for the defence vehemently submitted that the presence of PW-1, Sravan Singh, and PW-2 Rajneesh Singh 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 PW-1 Sravan Singh and PW-2 Rajneesh Singh were with injured Balveer Singh in the tilak ceremony.

From perusal and analysis of evidence of PW-1, it is clear that he went to attend the tilak ceremony on 19.04.2024 along with Rajneesh and Balveer Singh. He further stated that when he was returning back after having dinner, then accused Roopchandra who was already drunken, assaulted on Balveer's head with liquor bottle which he was holding in his hand. He was also standing near ten meter away from the incident. It has come in evidence that accused Roopchandra was going to stab a broken bottle in the stomach of Balveer but he caught hold him and saved Balveer Singh. Due to the injury, Balveer Singh's eyes came out and the whole body was drenched with blood. Balveer became unconscious and fell down on the spot. He took him to CHC Deva. The statement of PW-2 is fully corroborated with the statement of PW-1, Sravan Singh. The statement of injured witness Balveer Singh also corroborated the prosecution version. He stated that on 19.04.2024, it was the tilak ceremony of Narendra Singh of his village. He had gone to the tilak ceremony on invitation in evening. Sravan Singh of his family and Rajneesh Singh from the village had also gone there. There, Roopchandra, Narendra's paternal aunt's son and is a resident of Tai Kala was drinking liquor from glass bottle in the pandal where they had gone to eat. There were about to return after eating when at around 10:30-11:00 PM Roopchandra and Ghanshyam, who is Narendra

Singh's brother-in-law, called him. He was about 10 steps away from them. They called him and Roopchandra started abusing him and Ghanshyam caught hold his hand from behind. When he objected to the abuses, Ghanshyam said, "Kill him," and then Roopchandra, with intent to kill, repeatedly struck on his head with the glass bottle he was holding in his hand and broke the bottle on his head. Roopchandra tried to stab him in the stomach. Then, Sravan Singh and Rajneesh saved him. Ghanshyam and Roopchandra were abusing him and threatening to kill him, saying, "You act like a big army Jawan, we will not let you get recruited". Due to the assault of Roopchandra, he became unconscious and fell down. He was taken to Lucknow Medical College. He regained consciousness 1 day later. He was unconscious, so he does not know who took him to the hospital. After regaining consciousness, the Sub-Inspector recorded his statement.

The Medical evidence of Balveer Singh is in corroboration of the ocular evidence of PW-1 and PW-2. PW-9 Dr. Rishikesh Singh has stated in his statement that he medically examined Injured Balveer Singh after referring from District Hospital Barabanki. On dated 20.04.2024, he was serving as Senior Resident-I in the Neurosurgery Department of Gandhi Memorial & Associated Hospital (K.G.M.U. Lucknow). On that day, injured Balveer S/o Shivkumar, resident of Shaleshnagar, Deva, Purvi Nai Basti, Police Station-Deva, District-Barabanki, was brought after being referred from District Hospital Barabanki to NSW-Trauma-1 Ward/Bed No. in Unit-2 of the Neurosurgery Department. There was a blood clot in the injured's brain. Under his direction and by Unit doctors Saurabh Raina and Jayson Golmei, the injured was treated for four days. After his condition improved, he was discharged on 23.04.2024. At the time of admission, as per the team's diagnosis, there was an injury to his head. There was a fresh blood clot in the brain and the brain had shifted 0.38 cm from its place to the right side due to the immediate formation of blood. As per injured, he was inflicted with physical injury in Barabanki on 19.04.2024 at 11:00 PM and the injured's level of consciousness was low. The witness proved Patient History Sheet as Exhibit Ka-9. The injured's discharge summary was prepared on the computer under his direction at the time of discharge and proved it as Exhibit Ka-10. Hence, the medical evidence is in corroboration of the ocular evidence of PW-3 Balveer Singh.

Hence, it is proved that accused with intention and knowledge struck Balveer on his head causing injury.

43. "Whether section 307 I.P.C. is made out or not?"

The charge was framed under section-307 I.P.C. against the accused Roopchandra. On dated 19.04.2024, there was a Tilak ceremony of

the son of Avadesh in the village and there accused Roopchandra was already there and he was abusing Balveer Singh. When. Injured Balveer Singh along with two other persons was returning back from the ceremony, in the meantime, accused Roopchandra, a relative of Avadesh and son of Indal, resident of Taikala, P.S. Deva, District Barabanki came from behind and pulled the collar of Balveer. On this issue, accused Roopchandra, with the bottle he was holding in his hand, repeatedly struck Balveer Singh on his head with intention to kill him. Due to this, Balveer Singh drenched with blood, fell unconscious on the spot, and collapsed. At the spot, accused Roopchandra stated that "तुम बहुत बड़े सेना के जवान बनते हो, तुमको भर्ती नहीं होने देंगे." This extortion proved by three witnesses and establishes mens rea to cause death. Roopchandra struck liquor bottle on the head of injured Balveer which he was holding in his hand. The blow was given on a vital part of the body. P.W.-3 Balveer fell down on the ground and became unconscious. The medical evidence proved that the injured was treated for four days in KGMU Lucknow. There was an injury to his head. There was a fresh blood clot in the brain and the brain had shifted 0.38 cm from its place to the right side due to the immediate formation of blood. The prompt FIR was lodged on the very next day on 20.04.2024.

44. Section- 307 I.P.C. lays down- Attempt to murder. Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned.

In case of **State of Madhya Pradesh vs Saleem @ Chamaru and Anr., 2005 (5) SCC 554**, the Hon'ble Court has held that-

"It is sufficient to justify a conviction under Section 307 if there is present an intent coupled with some overt act in execution thereof. It is not essential that bodily injury capable of causing death should have been inflicted. The Section makes a distinction between the act of the accused and its result, if any. The Court has to see whether the act, irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in the Section. Therefore, an accused charged under Section 307 IPC cannot be acquitted merely because the injuries inflicted on the victim were in the nature of a simple hurt.

This position was highlighted in State of Maharashtra v. Balram Bama Patil and Ors., [1983] 2 SCC 28, Girija Shanker v. State of Uttar Pradesh, [2004] 3 SCC 793 and R. Parkash v. State of Karnataka, JT (2004) 2 SC 348."

In case of **Jage Ram & Ors vs State of Haryana & Anr., 2015 (11) SCC 366**, the Hon'ble Court has held that-

"12. For the purpose of conviction under Section 307 IPC, prosecution has to establish (i) the intention to commit murder and (ii) the act done by the accused. The burden is on the prosecution that accused had attempted to commit the murder of the prosecution witness. Whether the accused person intended to commit murder of another person would depend upon the facts and circumstances of each case. To justify a conviction under Section 307 IPC, it is not essential that fatal injury capable of causing death should have been caused. Although the nature of injury actually caused may be of assistance in coming to a finding as to the intention of the accused, such intention may also be adduced from other circumstances. The intention of the accused is to be gathered from the circumstances like the nature of the weapon used, words used by the accused at the time of the incident, motive of the accused, parts of the body where the injury was caused and the nature of injury and severity of the blows given etc.

13. In the case of **State of M.P. vs. Kashiram & Ors.**, the scope of intention for attracting conviction under Section 307 IPC was elaborated and it was held as under:-

"13. It is sufficient to justify a conviction under Section 307 if there is present an intent coupled with some overt act in execution thereof. It is not essential that bodily injury capable of causing death should have been inflicted. The section makes a distinction between the act of the accused and its result, if any. The court has to see whether the act, irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in the section. Therefore, an accused charged under Section 307 IPC cannot be acquitted merely because the injuries inflicted on the victim were in the nature of a simple hurt."

14. This position was highlighted in **State of Maharashtra v. Balram Bama Patil, (1983) 2 SCC 28, Girija Shanker v. State of U.P. (2004) 3 SCC 793 and R. Prakash v. State of Karnataka (2004) 9 SCC 27.**

"16. Whether there was intention to kill or knowledge that death will be caused is a question of fact and would depend on the facts of a given case. The circumstances that the injury inflicted by the accused was simple or minor will not by itself rule out application of Section 307 IPC. The determinative question knowledge, as the case may be, and not the nature of the injury."

45. In case given in hand, the broken bottle of glass used in assault on head. Head is vital part and blow on skull shows the intention to cause death. The blow caused grievous head injury and brain shifted 0.38 cm from its place to the right side due to the immediate formation of blood and this is not superficial injury.

46. It is out of place to mention here that Ghanshyam told accused Roopchandra "जान से मार दो" which is direct evidence of intention to kill. Hence, foundation under section- 307 I.P.C. is proved. Accused Roopchandra gave a blow of broken bottle of liquor on head of injured Balveer. If Balveer had died, offence would be of murder under section- 302 I.P.C. Since, he survived, 307 I.P.C. is squarely attracted.

47. The prosecution successfully proved the case beyond reasonable doubt that the accused Roopchandra with intention to cause death, caused hurt to Balveer by broken bottle of liquor on his head which under the circumstances, would have amounted to murder if death had occurred.

48. 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, motive loses its importance.

49. 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 PW-1 Sravan Singh, PW- 2 Rajneesh Singh and injured witness PW-3 Balveer Singh which is supported by the medical evidence of PW-9 Rishikesh Singh.

In case of **Surinder Singh vs State (The Union Territory Of Chandigarh) 2021 SCC on line, Supreme Court 1135**. The Hon'ble Apex Court, in this regard 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.

50. After careful scrutiny of evidence, I find that the prosecution has successfully proved the motive of accused to assault injured P.W.-3 Balveer Singh. Though, motive is not a sine qua non for conviction in cases of direct ocular evidence, its proof lends corroboration and complete the chain of circumstances. Injured P.W.-3 Balveer Singh has specifically deposed that accused was jealous because he was selected in ITBP and CRPF. This fact of jealousy was disclosed by the injured himself. If motive is proved, it supplies additional link in the chain of circumstantial evidence and also corroborates direct evidence. Though, P.W.-1, Sravan Singh did not state the motive in FIR (Exhibit Ka-2), being relative, he may not have been aware of the personal jealousy harboured by accused which was specifically known to the injured. Moreover, the absence of motive is not fatal when there is reliable ocular evidence but proof of motive strengthens the prosecution case. Here, the assault was not a sudden fight. Accused Roopchandra came armed with a glass bottle to the tilak ceremony and Ghanshyam caught the injured from behind and exhorted to kill him as deposed by P.W.-3, Balveer Singh. Therefore, the court held that the motive of jealousy is proved and it corroborates the direct testimony of P.W.-3 regarding the common intention of accused Roopchandra and Ghanshyam. The proved motive coupled with medical evidence of dangerous injury (Exhibit Ka-8) and recovery of weapon (Exhibit Ka-7) establishes the intention to cause death, hence, the motive is proved.

In summation:

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

(ii) The statement of PW-1 Sravan Singh (eye witness), PW-2 Rajneesh Singh (eye-witness), PW-3 Balveer Singh (injured witness) is

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.

51. The Verdict:

In view of the preceding narrative, I hold that accused is guilty of charge for offence under section- 307 I.P.C. as there was an intention to kill injured Balveer Singh and the injury was on vital part (head) so as likely to cause death and the prosecution succeeded to prove the charge under Section- 307 I.P.C.

ORDER

Therefore, accused Roopchandra is held guilty and convicted under section- 307 I.P.C.

The accused is present in the court on bail. He shall be taken into custody and be sent to Jail.

Dated:- 15.06.2026

(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:- 15.06.2026

(Pratima Srivastava)
Sessions Judge,
Barabanki
JO Code UP1899

15.06.2026

File taken up after lunch for hearing on the point of sentence.

Present. Heard learned counsel of the convict and learned Incharge D.G.C (Criminal) on the point of sentence.

1. The accused persons as well as learned Incharge District Government Counsel (Criminal) have not led any evidence on quantum of sentence despite opportunity afforded to him.
2. I have heard Incharge D.G.C. (Criminal) and learned counsel for convict.
3. Learned Incharge D.G.C. (Criminal) has contended that the accused, with intention to kill injured Balveer Singh, assaulted on him by broken bottle of liquor, causing grievous head injury. The prosecution has proved charge of offence against the convict Roopchandra punishable under section- 307 I.P.C. Learned Incharge D.G.C.(Criminal) has also contended that if the court takes a lenient view in such type of case, it will affect the society at large adversely.
4. The learned counsel for the convict has prayed before the Court that the convict is very poor. He had no criminal history and no previous conviction against him, has been recorded from any court of law, so that lenient view, may be taken considering the poor condition of the convict/accused.
5. In operating the sentences system, the law should adopt the corrective machinery or the deterrence based on factual matrix. The facts in given circumstances, in each case, the nature of crime, the manner in which it was planned and committed, the motive for commission of crime, the conduct of accused/convict and all other attending circumstances are relevant facts which is observed by Hon'ble Supreme Court in the case of **State of Madhya Pradesh Versus Santosh Kumar 2006(3) RCR (Criminal) 545**, would enter into the area of considerations. In this case given in hand, under the fact and circumstance of the case, the accused Roopchandra is liable to be convicted under Section- 307 I.P.C.

ORDER

The accused Roopchandra is hereby convicted for the offence under Section- 307 I.P.C. and sentenced for 7 years imprisonment with fine of Rs. 25,000/-. In default of payment of fine, he will undergo 6 months additional simple imprisonment.

The period spent by the accused in jail will be adjusted in the sentence. However, the period of detention undergone by the convict during inquiry, investigation and trial shall be directed to be set off against the period of substantive sentence of imprisonment. Out of the total fine imposed on convict, 50 percent of the fine would be payable to the victim,

as compensation.

All the exhibits of the case along with case property be kept intact till the expiry period of limitation for filing of appeal.

File be consigned to record room after due compliance.

Let a copy of judgment to be provided to the accused free of cost.

Dated:- 15.06.2026

(Pratima Srivastava)
Sessions Judge,
Barabanki
JO Code UP1899

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

Dated:- 15.06.2026

(Pratima Srivastava)
Sessions Judge,
Barabanki
JO Code UP1899