



UPBJ010057642024

In the court of Sessions Judge, Bijnor.

Present: Sanjay Kumar VII ,HJS

S.T. No. 1110/2024

State

vs.

1-Sumit s/o JagramSingh r/o Fareedpur Sadeeran P.S Haldaur,
Distt.Bijnor.

U/s:308/323 IPC

P.S Haldaur

(District Bijnor)

(Crime no. 314/2023)

2-Manish s/o Jogendra

3-Mahesh Pradhan s/o Jagram Singh,

4-Ankur s/o Jogendra

residents of Village Fareedpur Sadeeran P.S Haldaur,Distt.Bijnor.

U/ss:323 IPC

P.S: Haldaur,Bijnor.

Crime no. 314/2023

JUDGMENT.

1- The case of accused-persons **Manish,Mahesh Pradhan,Ankur and Sumit** was committed to the Court of Sessions vide order dated 13.5.2024 passed by the then learned Chief Judicial Magistrate, Bijnor to stand trial for the offence u/s: 308 and 323 I.P.C

on the basis of charge-sheets submitted by the police of P.S.Haldaur, District Bijnor.

2- Relevant facts may be briefly stated that on 26.7.2023 complainant Mohit Kumar handed over a written report (Ext.Ka.1) with Police Station Haldaur alleging therein that on 26.7.2023 at about 8.00 PM he went to the shop of Jogendra to fetch some articles. Rs.150/- of Jogendra were already due towards him which was demanded by Manish s/o Jogendra. Whereupon, he(complainant) said that he would pay this money on 30.7.2023 but hearing this, Manish phoned Mahesh Pradhan, Ankur and Sumit and all the four accused-persons committed marpit with him by means of lathi danda. Sumit gave the blow of danda on his head. As a result he fainted at spot.

3- On the basis of written report(**Ext. Ka.1**), Check report **Ext.Ka.4** was prepared on 26.7.2023 at 11.30 PM u/ss. 323 and 308 I.P.C. and entry whereof was made in **G.D Ext.Ka.5**. Medical examination report of Mohit is on record in the form of paper no. **Ext.Ka.2** and supplementary report of Mohit is as **Ext.Ka.3** As per X-ray report of Mohit no fracture was found to him. The I.O after visiting spot at the instance of complainant, prepared site plan **Ext.Ka.6**.

4- As per injury report of injured Mohit he sustained following injuries. The medical examination of Mohit was conducted by Dr. Ram Kumar who has been examined as **P.W.4**.

1-Lacerated wound on mid of forehead and head in area of 4 cm x 0.5 cm x bone deep, 9 cm above to base of nose. Long oblique bleeding was present.

2-Lacerated wound 4 cm x 0.5 cm x bone deep on left side skull 7 cm above to left ear at 12 O clock portion.

3-Red abraded contused swelling on left side face in

area 5 cm x 3 cm just lateral below to left eye.

4-Red contusion on left left laterally 6 cm x 2 cm just below left knee joint.

5-Red contusion just below 2 cm from injury no.4 in area of 6 cm x 2 cm.

5- Except injury no. 4 & 5 all the injuries were kept under observation. In supplementary report all injuries have been opined to be simple in nature.

6- Injury report is **Ext.Ka.2** and X-ray report is **Ext.Ka.3** on record. In X-ray report no fracture has been detected.

7- Thereafter,summing up all the steps of investigation, I.O has submitted charge sheet **Ext.Ka.7** against the accused-persons u/ss: 308, 323 IPC.

8- All the accused-persons appeared before the Court of Sessions after committal of case and on 27.5.2024 charge u/s:308 and 323 IPC was framed against the accused Sumit and charge u/s:323 IPC was framed against the accused Manish,Mahesh Pradhan and Ankur. They were read over the charge. They denied of charge and claimed to be tried.

9- The prosecution,in order to prove its case, has examined following 6 witnesses:

Sl.No.	Name of the witnesses	Witnesses
1-	Sri Mohit Kumar	P.W.1
2-	Sri Jogendra Singh	P.W.2
3-	Sri Yashpal	P.W.3
4-	Dr. Ram Kumar	P.W.4
5-	H.C Sandeep Kumar,	P.W.5
6-	S.I Pushpendra Singh	P.W.6

7-	S.I Sri ShiriPal Yadav	P.W 7
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10- The statements of all the accused-persons u/s 313 Cr.P.C. were recorded wherein, they denied the prosecution version and stated to have been falsely implicated and specifically stated that the Mohit has sustained injuries due to falling into drain. Since Mahesh was Pradhan hence Mohit used to have animosity towards him.

11- I have heard learned counsel for the accused-persons and learned D.G.C.(Criminal) for the state and perused the evidence available on record.

12- **P.W.1 Mohit Kumar**, who is the complainant and injured of this case, has stated in his examination-in-chief that he knows accused Manish, Ankur, Mahesh Pradhan and Sumit. On 26.7.2023 at about 8.00 PM he went to the shop of Jogendra of his village to fetch some article. At that time, Manish who is son of Jogendra, was sitting at shop. Manish asked him to repay his earlier dues to the tune of Rs.100-50. Whereupon, he (Mohit Kumar) replied that he would pay this amount on 30.7.2023. Thereafter, Manish called Ankur, Mahesh Pradhan and Sumit over phone. All these people having armed with lathi danda, came there and all of them started to commit marpit with him. Sumit gave the blow of danda on his head. As a result he sustained serious injuries on his head and other parts of body. On raising hue and cry, Mahaveer, Jogendra and Yashpal of his village came to rescue him. He became unconscious. His family members took him to Government Hospital, Bijnor. The report of this incident was lodged by him same day at night having got inscribed by some unknown person. He proved written report as Ext.Ka.1.

13- **P.W.2 Jogendra Singh** s/o Sheeshram Singh has stated in

his examination-in-chief that he knows the accused Sumit, Mahesh, Ankur and Manish appearing in Court, who are the residents of his village. Injured Mohit is also resident of his village. On 26.7.2023 at about 8.00 PM he was coming to his home along with Mahaveer. He saw in front of the shop of Jogendra Singh that accused persons Sumit, Mahesh, Ankur and Maneesh were beating the injured Mohit by means of lathi danda. Sumit gave the blow of danda on the head of Mohit in his presence and he fell to earth in unconscious state. This incident was witnessed by Mahaveer Singh and Yashpal Singh also. Thereafter, the family members of injured came and they took him to Hospital.

14- **P.W.3 Yashpal Singh** has stated in his examination-in-chief that he knows the accused persons Sumit, Mahesh, Ankur and Manish, who are the residents of his village. He also knows the injured of this case, who is also the resident of his village. On 26.7.2023 at about 8.00 PM he was going to his home along with Jogendra and Mahaveer. Shop of Jogendra is situated on the way and when they reached in front of the shop of Jogendra, accused persons Sumit, Mahesh, Ankur and Manish were committing marpit with Mohit by means of lathi danda. Sumit gave the blow of danda on the head of Mohit in his presence. As a result, he fell to ground receiving multiple serious injuries with oozing blood and became unconscious. Thereafter, family members of injured came there and took him to hospital.

15- **P.W.4 Dr. Ram Kumar** has stated in his examination-in-chief that on 27.7.2023 he was posted in District Hospital, Bijnor. He conducted the medico legal of injured Mohit and following injuries were found on his person which have described and detailed in fourth paragraph of this judgment.

This witness has stated that all the injuries of injured were fresh and had been caused by some hard object like lathi danda. He has also stated that injury no.4 & 5 were simple whereas injury no. 1,2 & 3 were kept under observation advising X-ray. The injured was admitted. He proved the injury report as **Ext.Ka.2**. He has also proved the supplementary report as **Ext.Ka.3**.

16- **P.W.5, HC 470 Sandeep Kumar**,has stated in his examination-in-chief that on 26.7.2023 he was deployed in P.S Haldaur as H.M. On that day,he on the basis of written report filed by Mohit Kumar prepared check report **Ext.Ka.4** and G.D whereof as **Ext.Ka.5**.

17- **P.W.6 S.I Pushpendra Singh**,has stated in his examination-in-chief that on 27.7.2023 he has taken over the investigation of crime no.314/2023 u/s:323/308 IPC by the order of Incharge Police Station. He has also stated that during investigation,he copied out the medical report of Injured,chieck FIR and G.D in case diary and also recorded the statement of H.M Sandeep. On 31.7.2023 he recorded the statement of complainant having gone to his home and at his instance prepared site plan,**Ext.Ka.6**. Thereafter,he received the X-ray report of injured from Police Station and copied out the same in case diary. He has also stated that thereafter,he was transferred from Bijnor.

18- **P.W.7 S.I Shiripal Singh Yadav**, has stated that on 12.10.2023 he was posted as S.I at P.S Haldaur,Bijnor and after the transfer of S.I Pushpendra Singh,the investigation of this case was handed over to him and he having summed up all the necessary remaining steps of investigation,submitted charge sheet against the accused-persons Manish,Mahesh and Ankur u/s:323 IPC and he has also submitted charge sheet u/s:308 & 323 IPC against accused Sumit in crime no. 314/2023 which he has proved in Court as **Ext.Ka.7**.

19- On the basis of prosecution evidence both oral and documentary the court has to see as to which extent the prosecution has been able to prove its case?

1- The learned defence counsel first of all has submitted that the motive to commit the offence is very cripple in nature because it has been mentioned that on account of asking the injured to repay Rs.100-150 old dues,the accused-persons committed marpit with the injured,which cannot be a ground to commit the offence.

2-The learned defence counsel has submitted that the inscriber of FIR has not been made witness in this case which is fatal to the case of prosecution.

2-The learned defence counsel has also submitted that there is no fracture on skull and on any other vital part of body of injured therefore section 308 IPC is not found proved against the accused-persons and the doctor conducting medical examination has stated that the injuries were simple in nature.

3- It is also submitted that P.W.4 Dr. Ram Kumar has stated in his cross examination that when the injured was taken to medical examination,he was fully conscious and injuries no. 4 & 5 were simple and injury no. 1,2 & 3 were kept under observation and X-ray was advised and the Doctor has also stated that the injuries on the head of injured could have occurred if some hard object falls on head. He has also stated that all the injuries were simple and none of them was fatal to life.

4-He has also submitted that there are multiple contradictions in the statements of witnesses and injured of this case which is fatal for the case of prosecution.

6- He also submitted that that medical evidence does not

corroborate with the oral evidence of injured and witnesses.

7-He has also submitted that no blood stained clothes were taken into possession by the I.O whereas it is the case of prosecution that the injured have sustained injuries oozing blood and P.W.1 has also stated that the blood stained earth was shown by him to I.O.

8- It has also been submitted that the lathi which is said to be used in commission of offence has not been recovered.

Per contra,the learned DGC(Crl.) submitted that the accused-persons had beaten the injured badly causing five injuries including injury on head. He has also submitted that fracture is not must for commission of offence of section 308 IPC rather the intention and object are must. In the present matter,the accused-persons having armed with lathi danda committed marpit with the injured which itself proves the intention of accused-persons.

20- In order to find out the veracity of the submissions of rival parties' counsel in light of statements of prosecution witnesses and also on the basis of documentary evidence, I would like to deal the statements of witnesses minutely excluding the minor contradictions which are very natural in human tendency.

21- First of all the learned defence counsel has stressed upon that the motive to commit the incident is very cripple in nature because migre amount of Rs.100-150/- cannot be a ground of incident. I am not in agreement with this submission that on account of this weak motive no such incident could have taken place because it was small debt. The motive always remains locked in the mind of an accused. While a petty financial dispute can form the factual genesis or trigger for a sudden crime,the prosecution is not strictly required to prove a proportional or grand motive as long as direct or reliable circumstantial evidence

established the actual commission of offence as has been held by the Hon'ble Apex Court in case law State of **Gujrat Vs. Anirudhsing,Chetan Dashrath Gade Vs. State of Maharashtra**. In the present case, it is the case of prosecution that on 26.7.2023 at about 8.00 PM when the injured/complainant went to the shop of Jogendra of his village, Jogendra's son Manish asked him to repay old debt of Rs.100-150/- and when the injured/complainant replied that he will repay this amount on 30.7.2023, all the accused-persons committed marpit with him by means of danda and caused injuries. As such, on the issue of repaying old debt,accused Manish having called rest of accused-persons committed marpit with the injured(P.W.1) and accused Sumit gave danda blows on the head of injured Mohit over this exact small sum. This is the case of direct evidence in which the injured himself has named the accused as assailants. P.W.1 who is injured and complainant of this case, has clearly stated that accused Sumit gave the blows of danda on his head and all the accused -persons committed marpit with him. Therefore,it cannot be said that demand of old small debt cannot be the motive of this incident. However,it is worthmentioning here that where the case is of direct evidence and the injured himself is the eye witness, motive lost its significance. This submission raised by the learned defence counsel is turned down.

22- So far as this submission is concerned that the inscriber of FIR has not been produced as witness in this case. I am not convinced with this submission because non- examination of scriber of FIR is not fatal to the prosecution and no adverse inference can be drawn against prosecution if the scriber was not an eye witness to the incident and complainant/injured has proved the execution of the FIR by examining himself as Prosecution witness. In this present case,the injured himself is

the eye witness who has proved the written report as Ext.Ka.1 and clearly supported the prosecution version appearing in court as PW.1. Hon'ble Apex Court in case law **Moti Lal Vs. State of U.P,2009(7) and Anil Kumar Vs. State of U .P (2003)3 sCC 569** has been pleased to hold that non examination of scribe of FIR as witness, is not fatal to the case of prosecution when the complainant has proved the FIR in Court. Thus, the submission advanced by the learned defence counsel is of no help to the accused-persons.

23- So far as this submission of learned defence counsel is concerned that there is no fracture on skull or any other vital part of body of injured and P.W.,4 Dr. Ramkumar in his statement has stated that at the time of taking the injured to hospital,he was conscious and his injuries no. 1 2 and 3 were kept under observation whereas injury no. 4 & 5 were opined to be simple in nature and he has also stated that the injury on head could have occurred if some hard object falls on his head, and none of the injuries,was fatal to life, therefore,section 308 IPC is not found proved in this case. I am not convinced with this submission that there is no fracture on skull or any other part of body of injured and the injuries have been opined to be simple in nature because the crucial question is the intention or knowledge with which the act is done which must be gathered from the circumstances,weapon used and the part of the body targeted rather than solely depending on whether the injury inflicted was minor or grievous. In present case, it is the case of prosecution that the accused-persons committed marpit with the injured by means of danda on 26.7.2023 at 8.00 PM at the shop of Jogendra. **P.W.1 Mohit** Complainant who is injured and eye witness of this case, has stated in his statement that on 26.7.2023 at about 8.00 PM he went to the shop of Jogendra to fetch some articles. At that time Jogendra's

son Manish(accused) was sitting in his shop,who asked him to repay his old debt of Rs.100- Rs.150/- and when he(P.W.1) said that he will repay this amount on 30.7.2023,accused Manish having called other accused-persons Ankur,Mahesh Pradhan and Sumit over phone,beaten the injured by means of lathi danda. He has also stated that accused Sumit gave the blow of danda on his head. As a result, he sustained injuries on head and other parts of his body. For the offence of section 308 IPC intention and knowledge is paramount and it requires proof that accused acted with such a mental state or under such circumstances that if they had caused death,they would be guilty of culpable homicide not amounting to murder. However,injury is inconsequential. An attempt under this provision can be made out even if no hurt or simple hurt is caused provided the requisite intent or knowledge targeting a vital part like head exists. For the offence of section 308 IPC even fracture or injury is not must rather intention is seen as has been held by the Hon'ble the Apex Court in case law **Palvindra Singh Vs. Balvindra Singh ACC 2009(64)399 SC**. In order to see the intention of the accused-persons,the number of injuries and the weapon used in commission of offence are to be seen. If in light of above,the case in hand is taken,in the present matter,the injured Mohit has clearly stated in his statement that accused Sumit gave the blows of danda on his head. As a result he sustained injuries on his head and other parts of body. **P.W.2 Jogendra and P.W.3 Yashpal** who are also the ocular witnesses of this case, have stated in their statements that all the accused persons including Sumit, Mahesh,Ankur and Manish committed marpit with the injured at the shop of Jogendra and accused-persons Sumit,Mahesh,Ankur and Manish were doing marpit with Mohit(injured) by means of lathi danda and accused Sumit gave the blows of danda on the head of Mohit in

their presence. Perusal of injury report of injured reveals that the injured sustained injury no.1 as lacerated wounds on head in an area of 4 cm x 0.5 cm x bone deep. Bleeding was present. Injury no.2 is also lacerated wound bone deep on head. Besides, injury no. 3, 4 and 5 were red contusions with swelling on left side face, just below to left eye, knee joint. As such, while giving the blow of danda on the head of injured itself shows the knowledge and intention of accused Sumit. The sheet of injury and weapon like danda itself goes to show that the accused had knowledge that if by that act injured had died, he would have been guilty of culpable homicide not amounting to murder. However, in supplementary report or in X-ray report no fracture was found on head and injuries have been opined to simple in nature but the intention of accused-persons was very clear because they having armed with danda, committed marpit with the injured knowing that the blow of danda on head of injured could have been dangerous to his life but fortunately, the injured did not sustain any fracture on head nor he sustained fatal injury but if the injured did not sustain any fatal injury, the accused-persons cannot be given the benefit of it that injuries are simple in nature because the accused-persons having armed with danda came there and caused two lacerated wounds on the head of injured knowing that danda is the weapon and blow of danda could have been the cause of death of injured, when it was given on head. Two blows on head given by the accused Sumit by means of danda, itself proves that the intention of the accused Sumit whereas rest of the accused-persons caused simple injuries to the injured. Thus, on the basis of above, the sheet of Injuries which are on head and the weapon used in commission of offence is sufficient to prove that the intention and knowledge of the accused Sumit was to cause culpable homicide not amounting to murder and the

injuries which have been opined to be simple in nature on the body of Injured proves that all the accused-persons have caused simple hurt to the injured as the injuries have been discussed above, therefore the submission raised by the learned defence counsel is of no help to the case of defence.

24- So far as this submission is concerned that there are multiple contradictions in the statements of witnesses and injured of this case which is fatal to the case of prosecution. He took me towards the statements of injured witnesses P.W. and P.W.2 who have stated that blood was oozing from the injuries and blood was present on ground. He has also taken me towards the statement of P.W.1 in which he has stated that blood was present on earth. He also took me through the statement of P.W.2 in which he has stated that he saw the blood on Earth. He also took me through the statement of P.W.1 who has stated that he had shown the blood stained clothes to the I.O and he did not hand over the blood stained clothes to the I.O. It is fact that there are some contradictions and hyperbole manner statements of the witnesses but the Court has to see the truthfulness of the testimony of the witnesses keeping in view that the injuries have been sustained by the injured, which has been proved by the injured himself in Court as witness and independent witnesses have also proved the incident. P.W.4 Dr. Ram Kumar has also proved the medical report of injured in his statement. Such type of contradictions are natural after gap of some time and some minor contradictions are natural in the statements of witnesses as has been laid down by the **Hon'ble Apex Court in case law Dharnidhar Vs. State of U.P 2010 (6) SCJ 662** in which it has been held that when witnesses are examined in the court after a considerable lapse of time, it is neither unnatural nor unexpected that there can be some minor

variations in the statements of the prosecutions witnesses. Besides, in case law **Suchha Singh Vs. State of Punjab 2003 7 SCC 643** it has been held by the **Hon'ble Apex Court** that contradictions appearing in the testimony of a witnesses do not corrode the credibility of a party's case. However, the fact of receiving danda blows on the head of injured oozing blood has also been stated by the injured P.W.1 himself and independent witness P.W.2 and P.W.3 in their cross examinations. Besides, there are five visible injuries on the body of injured as is evident from medical report **Ext.Ka.2**. Thus, the contradictions which have been raised by the learned defence counsel in the statements of witnesses are not of such nature on the basis whereof conviction of the accused-persons can be discarded. Particularly, when the injured in his statement has clearly supported the prosecution case stating that the accused-persons committed marpit with him by means of danda and as a result he sustained injuries on his head which have been supported by the medical evidence and in this way also the statement of injured witness cannot be doubted as has been held in case law **Maqsoodan Vs. State of U.P 1983 1 SCC 218(Three Judges Bench)**. In this case law it has been held by the Hon'ble Apex Court that presence of the injured witness at the time and place of occurrence cannot be doubted as he had received injuries during the course of the incident and he should normally be not disbelieved.

25- So far as this submission is concerned that the medical evidence does not corroborate with the oral evidence of injured and witness. I am not convicted with this submission because the injured himself has stated in his statement that he was beaten by the accused-persons by means of danda. He also stated that the accused-persons gave blows of danda on his head. As a result he sustained lacerated

wounds on his head in the form of injury no.1 and injury no.2 and in the statement of P.W.4 Dr. Ram Kumar, he has stated that the injured has sustained 05 injuries and all the injuries could have been caused by some hard object. Injury no.1,2 and 3 were kept under observation and rest of the injuries, are in the form of contusions on different parts of body and opined to be simple in nature. The injured and ocular witness P.W.2 both have stated that the injured was beaten by the accused-persons. The number of accused-persons and seats of Injuries are corroborated with medical report. There are four accused-persons and injuries are 5 in number. So far as minor contradictions as has been discussed above, are concerned, cannot be taken into consideration and the Court has to see the truthfulness of the testimony of the witnesses. Thus, this submission is also turned down.

26- So far as this submission is concerned that no blood stained clothes were taken into possession by the I.O whereas it is the case of prosecution that the injured have sustained injuries oozing blood from wound and the injured has also stated that blood was oozing from his wound and the injured P.W.1 has also stated that the blood stained clothes were shown by him to the I.O. I am not convinced with this submission because it was the duty of I.O to collect the blood stained clothes. Particularly when the injured has shown such clothes to the I.O. If he has not taken such blood stained clothes, it is not fatal to the case of prosecution because failure or omission on the part of I.O cannot render the case of prosecution doubtful as has been held in case law **Amar Singh Vs. Balwinder Singh, AIR 2003 SC page 1164, Sambu Das Vs. State of Asam AIR 2010 SC 3300.**

Besides, P.W.5 HC 470 Sandeep Kumar, is formal witness who prepared computerized check report and computerized G.D. P.W.6

S.I Pushpendra Singh has also proved site plan Ext.Ka.6 in his statement has stated that it was prepared by him at the instance of complainant/injured. He has also stated that before submitting charge sheet after summing primary steps of investigation,he was transferred so he could not arrest accused Sumit. P.W.7 has stated that on 12.10.2023 he received the investigation of this case and he after summing up investigation, submitted charge sheet(Ext.Ka.7) against the accused.

27- So far as this submission is concerned that the danda has not been recovered and the P.W.7 S.I Shiripal Yadav, has stated in cross examination that no weapon was recovered by his predecessor in this case nor he has recovered any weapon, which also casts doubt on prosecution story. I am not in agreement with this submission because where there is ample unimpeachable ocular evidence corroborated by the medical evidence including the injured himself, mere non recovery of danda from the accused does not affect the prosecution case as has been held by the Hon'ble Apex Court in case law **Nanaunoo Vs. State of U.P 2016 3 SCC page 317.**

28- From the above discussion of evidence both oral and documentary, it is proved that the injured sustained lacerated wounds and contusions on his body including head, which is vital part of body and there are two lacerated wounds on head caused by the accused Sumit by means of danda, therefore, the charge of section 308 and 323 IPC is proved against the accused Sumit. So far as charge u/s:323 IPC is concerned as has been discussed above that all the accused persons committed marpit with the injured Mohit and caused him injuries, therefore, charge u/s:323 IPC is also proved against the accused persons Manish, Mahesh and Ankur as there are also three other injuries on the body of injured.

29- In view of above, I hold that the prosecution has succeeded to establish the charges levelled against the accused persons Sumit, Manish, Mahesh Pradhan and Ankur facing trial and thus, they deserve to be held guilty for the charge u/s:323. Accused Sumit is also liable to be held guilty for the charge u/s:308 IPC.

ORDER

Accused-persons **Sumit, Manish, Mahesh Pradhan** and **Ankur** are held guilty for the charge u/s:323 IPC. Accused Sumit is also held guilty for the charge u/s:308 IPC. They are on bail. Their bail bonds are cancelled and sureties discharged. They be taken into custody for hearing on quantum of sentence.

Put up after lunch for hearing on quantum of sentence.

Dated : 31.07.2026

(Sanjay Kumar VII)

Sessions Judge,
Bijnor.
I.D U.P 1997

31.7.2026

Counsel for the convicts has been heard on quantum of sentence.

It has been submitted by the counsel for the convicts Sumit, Manish, Mahesh Pradhan and Ankur that the convicts belong to poor family. Convicts Sumit and Mahesh Kumar are real brothers and convicts Ankur and Manish are **also** siblings and hail from one and same family. He has also submitted that since the proved offence u/s:308 IPC is punishable with the imprisonment of seven years and rest of the section 323 IPC is punishable less than seven years and the injuries are not fatal to life.

Learned DGC(Crl) submitted that the convicts committed marpit with the injured and convict Sumit gave danda blows on the head of injured whereas rest of the accused caused simple hurt to the injured. He has prayed that maximum sentences may be awarded to the convicts.

Heard the rival submissions on the probation and quantum of sentence and considered entire facts and circumstances of the case. The record is lacking any criminal history to the credit of convicts and they are also not previously convicted nor the prosecution and complainant has shown any criminal history to their credit.

In view of above ,if the convicts **Sumit,Manish,Mahesh Pradhan and Ankur** are punished by awarding the fine of Rs.1000/- each u/s:323 IPC,it would meet the ends of justice.

If the convict **Sumit** is awarded the imprisonment for **four years** and fine of Rs.2000/- u/s:308 IPC, it would meet the ends of justice.

ORDER

Convict **Sumit** is sentenced to undergo four years imprisonment and fine of Rs.**2000/-** each u/s:308 IPC. In default of fine he will have to undergo additional imprisonment of two months.

All the convicts **Sumit,Manish,Mahesh Pradhan and Ankur** are imposed the fine of Rs. 1000/- under section 323 IPC each, they will have to undergo additional imprisonment of one month in default of fine.

All the sentences shall run concurrently.

The period already incarcerated by the convicts,shall be adjusted in this imprisonment. Convicts,Manish,Mahesh Pradhan and Ankur,if not paid the amount of fine, be also sent to the District Jail,

Bijnor for serving out the sentences so imposed by preparing conviction warrant alongwith convict Sumit.

Copies of this judgment be furnished to all the convicts free of costs immediately.

Dated:31.7.2026

(Sanjay Kumar VII)

Sessions Judge,

Bijnor.

Judgment signed dated and pronounced in open Court today.

Dated:31.7.2026

(Sanjay Kumar VII)

Sessions Judge,

Bijnor.

Sessions Judge, Bijnor.

ST-1110/2024

State Vs Sumit and others

Ps-Haldaur.

31-07-2026-

Case called out. All the accused are present on bail.

Judgment pronounced in open Court.

ORDER

Convict **Sumit** is sentenced to undergo four years imprisonment and fine of Rs. **2000/-** each u/s:308 IPC. In default of fine he will have to undergo additional imprisonment of two months.

All the convicts **Sumit, Manish, Mahesh Pradhan and Ankur** are imposed the fine of Rs. 1000/- under section 323 IPC each, they will have to undergo additional imprisonment of one month in default of fine.

All the sentences shall run concurrently.

The period already incarcerated by the convicts, shall be adjusted in this imprisonment. Convicts, Manish, Mahesh Pradhan and Ankur, if not paid the amount of fine, be also sent to the District Jail, Bijnor for serving out the sentences so imposed by preparing conviction warrant alongwith convict Sumit.

Copies of this judgment be furnished to all the convicts free of costs immediately.