



2026:CGHC:12835-DB

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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Judgment reserved on : 06-02-2026

Judgment delivered on : 18-03-2026

ACQA No. 19 of 2011

1. Khinuram S/o Hemram, aged about 50 years, R/o Village Munarbod, Tahsil Bemetara, District Durg (CG) (Died and deleted as per Hon'ble Court order dated 22.1.2026)
2. David S/o Teekaram, aged about 23 years, R/o Village Munarbod, Tahsil Bemetara, District Durg (CG)

... Appellant

versus

1. Chandrika, S/o Rajewa Satnami, aged about 38 years,
2. Deepak S/o Sejwa Satnami, aged about 33 years,
3. Bhagchand S/o Rajwa Satnami, aged about 31 years,
4. Subechand S/o Rajwa Satnami, aged about 41 years,



5. Kamleshwar S/o Subechand Satnami, aged about 24 years,
6. Rameshwar S/o Subechand Satnami, aged about 26 years,
7. Chaindas @ Gullu S/o Bhuglu Satnami, aged about 46 years,

All R/o Village Munarbod, Police Station Bemetara, District Durg (CG)

8. State Of Chhattisgarh Through the Police Station Bemetara, District Durg (CG)

... Respondents

ACQA No.119 of 2020

The State of Chhattisgarh Through The District Magistrate, Durg (CG)

... Appellant

versus

1. Chandrika, S/o Rajwa Sat., aged about 38 years,
2. Deepak S/o Kejwa Sat., aged about 33 years,
3. Bhagchand S/o Rajwa Sat., aged about 31 years,
4. Subechand S/o Rajwa Sat., aged about 41 years,
5. Kamleshwar S/o Subechand Sat., aged about 24 years,
6. Rameshwar S/o Subechand Sat., aged about 26 years,
7. Chaindas @ Gullu S/o Mugalu Sat., aged about 46 years,

All R/o Village Munarbod, Police Station Bemetara, District Durg (CG)

... Respondents

CRA No. 205 of 2010

1. Chandrika, S/o Rajawa Satnami, aged about 38 years,
2. Deepak S/o Kejawa Satnami, aged about 33 years,
3. Bhagchand S/o Rajawa Satnami, aged about 31 years,
4. Subechand S/o Rajawa Satnami, aged about 41 years,



5. Kamleshwar S/o Subechand Satnami, aged about 24 years,
6. Rameshwar S/o Subechand Satnami, aged about 26 years,
7. Chaindas @ Gullu S/o Bhuglu Satnami, aged about 46 years,

All R/o Village Munarbod, Police Station Bemetara, District Durg (CG)

... Appellants

versus

The State Of Chhattisgarh Through Police Station – Bemetara, Distt. Durg (CG)

... Respondent

For Appellants in ACQA No.19/2011 : Mr. Amit Sahu, Advocate.

For Appellant in ACQA No.119/20 & : Mr. Krishna Gopal Yadav, Dy.

for State in ACQA No.19/11 and Govt. Advocate.

CRA No.205/10.

For Appellants in CRA No.205/2010 & : Mr. Samir Singh and Mr. Rishi

for respondents/accused in ACQA Rahul Soni, Advocates.

Nos.19/11 and 119/20.

Hon'ble Smt. Justice Rajani Dubey

Hon'ble Shri Justice Radhakishan Agrawal, JJ

CAV Judgment

Per Rajani Dubey, J

Since all these appeals arise out of the judgment of conviction and order of sentence dated 9.3.2010 passed by the Additional Sessions Judge, Bemetara Distt. Durg in ST No.27/2009, they are being disposed of by this common judgment. By the impugned judgment, learned trial Court while acquitting the accused/appellants of



the charges under Sections 302/149, 324, 326/149, 294 & 506B of IPC, convicted them under Sections 304 Part II/149, 147, 148, 323/149, 325/149 of IPC and sentenced as under:

Conviction	Sentence
Under Section 304 Part II/149 of Indian Penal Code.	RI for 08 years, pay a fine of Rs.3000/- and in default thereof to suffer additional RI for 03 months.
Under Section 325/149 of Indian Penal Code.	RI for three years, pay a fine of Rs.100/- and in default thereof to suffer additional RI for 01 month.

Both the sentences were directed to run concurrently.

02. Case of the prosecution, in brief, is that on 11.3.2009 at 15:00 hours, when Ghanshyam was standing near Dheeraji Grocery Shop at Village Munarbod, the accused persons came there armed with club and axe, and in furtherance of their common object, started filthily abusing, threatening of life and assaulting David Kumar, Dinesh, Ghanshyam Pal, Leeluram, Neelkanth @ Shyam, Teekaram, Kheenuram & Sahinabai and caused them grievous injuries. As a result of injuries suffered by Ghanshyam, he died on 23.3.2009 at Medical College Hospital Raipur during treatment. On the complaint of David Kumar, the police registered offence under Sections 326, 149, 148, 294, 323, 506B, 302 of IPC against the accused persons. The injured were got medically examined and the dead body was sent for postmortem after conducting inquest proceedings. Plain and



bloodstained soil were seized from the place of occurrence and statements of the witnesses were recorded. After completing necessary formalities of investigation, charge sheet was filed against the accused persons before the concerned jurisdictional Magistrate.

03. Learned trial Court framed charges under Sections 147, 148, 149, 294, 323, 324, 325, 326, 506B & 302 of IPC against the accused persons which were abjured by them and they prayed for trial. In order to substantiate its case the prosecution examined its witnesses. Statements of the accused were recorded under Section 313 of CrPC wherein they denied all the incriminating circumstances appearing against them in the prosecution case, pleaded innocence and false implication. In their defence, they examined total four witnesses.

04. After hearing counsel for the respective parties and appreciation of oral and documentary evidence on record, the learned trial Court while acquitting the accused persons of the charges under Sections 302/149, 324, 326/149, 294 & 506B of IPC, convicted them under Sections 304 Part II/149, 147, 148, 323/149, 325/149 of IPC and sentenced them as mentioned in the opening paragraph of this judgment.

05. Aggrieved by the impugned judgment of acquittal, the injured Kheenuram and complainant David have filed ACQA No.19/2011 and the State has filed ACQA No.119/2020 for enhancement of the



sentence to the full term prescribed under the respective sections whereas the accused persons have filed CRA No.205/2010 challenging their conviction and seeking acquittal from all the charges.

06. During pendency of ACQA No.19/2011, appellant Kheenuram died and hence the acquittal appeal in respect of this appellant stood abated and dismissed as such vide order dated 22.1.2026.

07. Learned counsel for the appellant in ACQA No.19/2011 would submit that the learned trial Court was not justified in recording acquittal of the accused persons from the charges under Sections 302/149, 324, 326/149, 294 and 506B of IPC in view of the specific evidence on record substantiating the said offence. As per the postmortem report it is clear that the the head injury suffered by the deceased Ghanshyam was sufficient in the ordinary course of nature to cause death, hence acquittal of the accused from the charge u/s 302 of IPC is bad in law. Further looking to the manner in which assault was made and the medical evidence which shows that there were three surgical stitched wounds over head of the deceased, it is a clear case of murder where the accused persons were having not only intention of causing such bodily injuries as would result in his death but also knowledge that such injuries are likely to cause his death. Learned trial Court ought to have questioned the doctor (PW-1) who stated about only one injury over head of the deceased which is contrary to the postmortem report, as to on what basis he stated so. In the present



case, the accused persons were the aggressor, who came to the place of occurrence fully armed with deadly weapons and in furtherance of their common object made fatal assault on the deceased and other persons. Thus, in view of the aforesaid oral and documentary evidence coupled with specific medical evidence, acquittal of the accused persons from the aforesaid charges is per se illegal and the impugned judgment deserves to be modified to the above extent.

08. Learned counsel for the State in ACQA No.119/2020 would contend that the punishment awarded by learned trial Court to the accused is not commensurate with the gravity of the offence and they ought to have been awarded full term of the sentence prescribed for the respective offence as the fact of rioting that too being armed with deadly weapons has been proved beyond all reasonable doubt. Therefore, the circumstances of the case warrant imposition of full term sentence prescribed for the respective offence. He submitted that the accused chose vital parts of the bodies of injured persons for making assault and corresponding injuries were found by the examining doctor, therefore, in the facts and circumstances of the case, common intention and object of the accused are writ large and they ought to have been awarded full term of the sentence against their respective offences. Lastly he would submit that initially the dispute started with complainant David Kumar and he was assaulted. The other injured persons came for his rescue but the accused mercilessly started



assaulting them also, without there being any previous enmity with them. Therefore, looking to the brutal act of the accused persons, they deserve no leniency, rather deserve maximum sentence prescribed under the respective sections.

09. Per contra, learned counsel for the accused/appellants submitted that the learned trial Court after minute appreciation of oral and documentary evidence on record has rightly acquitted the accused/appellant from the aforesaid charges and as such, there is no scope for interference by this Court in the finding of acquittal recorded by learned trial Court. They would submit that even otherwise it is a well settled principle of law when on the basis of material available on record two views are possible, the one favouring the accused should be adopted and that is what has been rightly done by the learned trial Court. As regards the quantum of sentence under Sections 304 Part II/149, 147, 148, 323/149, 325/149, in fact in view of the nature and quality of evidence adduced, the accused/appellants deserve to be acquitted of these charges also and being so, no question of enhancement of sentence under these sections arise.

10. Learned counsel for the accused/appellants in CRA No.205/2010 would submit that the impugned judgment of conviction and order of sentence is contrary to the evidence on record. There is no explanation offered by the prosecution as to why names of accused Chandrika and Deepak were not mentioned at the time of lodging of FIR (Ex.P/22) by



complainant David (PW-11). Further, PW-5 Teekaram, PW-8 Neelkanth, PW-9 Leeluram, PW-10 Dinesh, PW-11 David, PW-12 Kheenuram and the deceased Ghanshyam, the injured persons, were interrogated about the name of the assailants by the police at the time of preparing memo for their medical examination yet none of them named appellants Chandrika and Deepak. PW-3 Hariram, the so-called eyewitness, has also not named these appellants as assailants. They submit that the clubs seized from these appellants bear no bloodstain and further, no injury was found on their body which indicate that they were not involved in the crime in question.

11. Learned counsel for the appellants further argued that as per prosecution case injuries caused to the deceased and others were by hard and sharp edged weapons i.e. club and axe but as per medical evidence, the injuries were caused by hard and blunt objects. Though a cut wound was found on the body of PW-12 Kheenuram and PW-13 Teekaram but in their medical examination letters they stated to have been assaulted with club. Thus, there is glaring and blatant incompatibility in the medical and ocular evidence regarding the injuries sustained which makes the whole prosecution case doubtful. This apart, the prosecution has also failed to explain the injuries found on the body of the appellants No.3, 4, 5 & 7 which shows that the prosecution has suppressed genesis and origin of the occurrence and has thus not presented the true version. In the given facts and



circumstances of the case, learned trial Court ought to have held that in fact the injured persons were the aggressors, they assaulted appellants No. 3 to 7 with hard and sharp weapons and caused them fatal injuries, and in such a situation if they retaliated in their own defence, they were fully protected by law in their action. The prosecution has failed to prove its case against the appellants beyond all reasonable doubt and therefore, they deserve to be acquitted of all the charges by giving them benefit of doubt. Lastly they submitted that there was a counter case registered by the accused persons against the complainant party, therefore, in such an eventuality, the trial Court was required to try both the cases together but that has not been done in the present case.

Reliance has been placed on the decisions of the Hon'ble Supreme Court in the matters of ***Halke and another Vs. State of MP, 1998 SCC (Cri) 953; Moti Singh Vs. State of Maharashtra, (2002) 9 SCC 494; State of MP Vs. Mishri Lal and others, (2003) 9 SCC 426; Babu Ram and others Vs. State of Punjab, (2008) 3 SCC 709; Nand Lal and others Vs. State of Chhattisgarh, (2023) 10 SCC 470; and Govind Mandavi Vs. State of Chhattisgarh, 2025 SCC OnLine SC 2731.***

12. On the other hand, learned counsel appearing for the complainant and the State jointly opposing the aforesaid contention of the appellants would submit that the learned trial Court after proper



appreciation of oral and documentary evidence has rightly convicted the appellants by the impugned judgment. However, looking to the evidence on record and the manner in which assault was made by the appellants thereby causing death of Ghanshyam and grievous injuries to others, they have filed appeals challenging the acquittal of the appellants under Sections 302/149, 324, 326/149, 294, 506B of IPC as also seeking enhancement of the punishment awarded to them under Sections 304 Part II/149, 147, 148, 323/149 and 325/149 of IPC to the full term prescribed thereunder. Therefore, the appeal filed by the accused/appellants being devoid of any substance is liable to be dismissed.

13. Heard learned counsel for the respective parties and perused the material available on record.

14. As regards homicidal death of deceased Ghanshyam Pal, PW-11 David lodged a report (Ex.P/22) categorically stated therein that on 11.3.2009 at 15:00 hours when Ghanshyam was standing near Dheeraji Grocery Shop at Village Munarbod, the accused persons came there armed with club and axe, and in furtherance of their common object, started filthily abusing, threatening of life and assaulting David Kumar, Dinesh, Ghanshyam Pal, Leeluram, Neelkanth @ Shyam, Teekaram, Kheenuram & Sahinabai and caused them grievous injuries. This witness further states that at the instance of police, they took Ghanshyam and other injured to Govt. Hospital,



Bemetara and looking to their serious conditions, they were referred to Medical College Hospital Raipur where Ghanshyam died during treatment on 13.3.2009.

15. PW-11 David & PW-3 Hariram have proved the inquest proceedings also. PW-8 Neelkanth, PW-9 Leeluram, PW-10 Dineshpal, PW-12 Kheenuram and PW-13 Teekaram Pal have also stated that Ghanshaym suffered injuries during fight, he was initially taken to Govt. Hospital, Bemetara and then referred to Raipur where during treatment he died.

16. PW-1 Dr. AM Shrivastava states that on 11.3.2009 he medically examined injured Ghanshyam Pal and noticed a lacerated wound of size $2\frac{1}{2} \times 2\frac{1}{2} \times 2\frac{1}{2}$ inch over his occipital region and opined that it could be caused by hard and blunt object. He advised for x-ray of the injury vide Ex.P/2.

17. PW-16 Dr. RK Singh conducted postmortem of the deceased on 13.3.2009 and noticed three surgical stitched wounds over head, contusion over right forearm and near right eye as also depressed fracture of frontal bone. In his opinion, death was due to cardio-respiratory failure as a result of head injury and its complications. His report is Ex.P/38. He denied the suggestion that all these injuries could be caused due to fall on ground.

18. In view of the aforesaid uncontroverted oral, documentary and medical evidence, it can safely be inferred that deceased Ghanshyam



Pal died due to the injuries suffered by him in the above incident and as such, his death was homicidal in nature. Being so, the finding of learned trial Court holding the death of Ghanshyam homicidal in nature cannot be faulted with.

19. PW-3 Hariram, PW-8 Neelkanth, PW-9 Leeluram, PW-10 Dinesh Pal, PW-11 David, PW-12 Kheenuram and PW-13 Teekaram Pal have categorically stated that on the day of Holi at around 3 pm, the accused/appellants armed with club, stick and crowbar came together and started assaulting them as a result of which they suffered injuries on various parts of the body. In cross-examination, PWs-9, 10 & 12 admitted the suggestion that in respect of the same incident, a counter case was also registered against them.

20. On 11.3.2009 Dr. AM Shrivastava (PW-1) examined the injured Dinesh Pal, Ghanshyam, Leeluram, Neelakth @ Shyam and Teekaram and found injury over their head which was caused by hard and blunt object, vide their medical reports of Ex.P/1 to P/5 respectively. According to the doctor, injury suffered by Dinesh Pal and Neelkanth was simple in nature and he advised for x-ray of the injury suffered by Ghanshyam, Leeluram and Teekaram. He also examined injured Kheenuram and found incised wound on left cheek and a bone deep cut wound on right elbow which were simple in nature, and a crushed wound on left little finger, for which he advised x-ray to ascertain its nature. His report is Ex.P/6. After receipt of x-ray reports of the



aforesaid injured persons, he opined that fracture was found in ulna bone of Leeluram and Neelkanth @ Shyam Kumar. There was also fracture of metacarpal bone of right hand of Neelkanth @ Shyam Kumar.

He also examined injured David and found abrasions on right forearm, right shoulder, left hand and a bone deep crushed wound on right side of head. In his opinion, all these injuries were simple in nature. His report is Ex.P/8.

21. On the same day, he also examined the accused/appellants and found that Kamleshwar sustained lacerated wound on occipital region which was simple in nature vide Ex.D/1; Bhagchand sustained cut wound on right arm, a bone deep cut wound on forehead and cut over lips and advised for x-ray of the injuries vide Ex.D/2. He states that the injury caused over head of Bhagchand was sufficient to cause his death. He also examined Rameshwar and noticed a bone deep crushed wound over occipital parietal region caused by hard and blunt object and advised for x-ray vide Ex.D/3. He admits that this injury was sufficient to cause his death. On examination of Subechand he found swelling over left elbow and a crushed wound over tempo-parietal region and advised for its x-ray vide Ex.D/4. He admits that the head injury was sufficient to cause his death. On examination of Chaindas he noticed a crushed wound on right side occipital region and acute pain in right shoulder as also contusion with swelling in right wrist.



These injuries were caused by hard and blunt object and he advised for x-ray of these injuries to ascertain its nature vide Ex.D/5. He states that the head injury was sufficient to cause his death.

22. Learned trial Court minutely appreciated the oral and documentary evidence on record and found that in the incident which took place on 11.3.2009, the accused/appellants caused simple injuries to PW-8 Neelkanth and PW-10 Dinesh Pal by hard and blunt object and grievous injuries to Leeluram, Teekaram & Kheenuram. It is also clear from the evidence on record that the accused/appellants being a member of an unlawful assembly assaulted the injured persons in furtherance of their common object and during this process, injured Ganshyam Pal sustained grievous head injuries which led to his death after two days during the course of treatment. Thus, conviction of the accused/appellants u/s 147, 148, 323/149 and 325/149 of IPC recorded by the learned trial Court is just and proper and is hereby affirmed.

23. So far as conviction of the accused/appellants u/s 304-II/149 of IPC is concerned, it is clear from the evidence of PW-1 Dr. AM Shrivastava that he found injury on head of injured Ghanshyam Pal on 11.3.2009 and advised for x-ray. As per PW-16 Dr. RK Singh he also found injury on head of deceased Ghanshyam. Admittedly, he died two days after the incident on 13.3.2009. As per autopsy surgeon (PW-16),



cause of death was cardio-respiratory failure as a result of head injury and its complications.

24. The Hon'ble Supreme Court in the matter of ***Halke and another*** (supra) observed in para 3 of its order as under:

"3. We have gone through the judgments of both the courts and the relevant evidence. It is submitted by the counsel for the appellants that the prosecution has not properly explained the injuries found on the accused persons and the circumstances show that the deceased-party could have been the aggressors. The evidence of the injured witnesses also show that the two appellants with sticks inflicted some blows on the deceased as well as on the two witnesses. In this context the medical evidence becomes very relevant. The occurrence is said to have taken place on 15-4-1974. The injured-deceased was admitted in the hospital and the doctor found four contusions. One of them was on the head. Necessary treatment was given and an operation was also performed and unfortunately the deceased died on 22-4-1974. PWS 1 and 9 were also examined by the doctor and similarly he found some lacerated wounds and some abrasions.

Therefore to that extent the medical evidence also corroborates the evidence of PWs 1 and 9. Taking all circumstances into consideration we find that there must have been a fight and it is difficult to hold that the appellants while inflicting stick blows had the knowledge that under the circumstances they were likely to cause the death of the deceased when they themselves have received the injuries at the hands of the prosecution party. Coming to the death of the deceased as noted already the medical evidence shows that the deceased was treated for nearly a week and an operation was also performed and he died only thereafter.



No doubt the injury on the head proved to be fatal after lapse of one week but from that alone it cannot be said that the offence committed by the two appellants was one punishable under Section 304 Part II IPC. The injuries found on the witnesses are also of the same nature and for the same they are convicted under Section 325 IPC. Having regard to the fact that the deceased died after one week the offence committed by them in respect of the deceased would also be the same, punishable under Section 325 IPC. In view of the peculiar facts and circumstances of this case we set aside the conviction of the appellants under Section 304 Part II IPC and the sentence of five years' RI thereunder, instead we convict the appellants under Section 325 read with Section 34 IPC and sentence each of them to undergo nine months' RI. The conviction under Section 325 read with Section 34 IPC is confirmed but the sentence is reduced to nine months' RI. Both the sentences shall run concurrently. The appeal is partly allowed."

25. In the present case also, the incident took place on 11.3.2009 where both the parties assaulted each other and sustained similar injuries. A counter case was also lodged against the complainant party by the accused. PW-1 Dr. AM Shrivastava noticed head injury of Ghanshyam which proved to be fatal and led to his death two days after the incident on 13.3.2009 during treatment. The autopsy surgeon (PW-16) at the time of examination found fracture of frontal bone of size 3.5 x 1.2 cm. Leeluram and Teekaram also suffered head injury which was grievous in nature for which the accused persons are convicted u/s 325 of IPC. Thus, keeping in view the aforesaid judgment



of the Hon'ble Supreme Court, the manner in which the incident took place where deceased Ghanshyam sustained head injury and died two days after the incident during treatment, we are of the opinion that learned trial Court was not justified in holding the accused/appellants guilty u/s 304-II/149 of IPC and rather in the facts and circumstances of the case, the act committed by them makes them liable for conviction u/s 325/149 of IPC.

26. As for the sentence u/s 325/149 of IPC, in the totality of facts and circumstances of the case, the fact that the incident took place way back in the year 2009; the accused/appellants also sustained injuries in this incident and filed a counter case against the complainant party; they were on bail during trial as also during pendency of this appeal and did not misuse the liberty; they have remained in jail for near about a year; we are of the opinion that no fruitful purpose would be served in sending them back to jail at this stage and ends of justice would be met if their substantive jail sentence u/s 325/149 of IPC is reduced to the period already undergone by them and are directed to pay fine of Rs.100/- with default sentence of 01 month.

27. As regards the acquittal appeals filed by the injured victim as well as by the State; learned trial Court after close scrutiny of the evidence came to the conclusion that there is no specific evidence to show that the accused persons committed any obscene act to the annoyance of others and likewise, there is no clear evidence regarding



criminal intimidation by the accused. In this regard, the statements of the witnesses do not support each other and are at variance. Being so, the learned trial Court acquitted the accused of the charge u/s 294 and 506B of IPC. Further, learned trial Court found that there is no cogent evidence to prove that the accused voluntarily caused grievous hurt using dangerous weapons or means, such as stabbing, shooting, fire, poison, or explosives and hence acquitted them of the charges u/s 324 & 326 of IPC by giving them benefit of doubt.

28. The Hon'ble Apex Court in the matter of **Mallappa and Ors. Versus State of Karnataka, (2024) 3 SCC 544** has held in para 42 as under:-

“42. Our criminal jurisprudence is essentially based on the promise that no innocent shall be condemned as guilty. All the safeguards and the jurisprudential values of criminal law, are intended to prevent any failure of justice. The principles which come into play while deciding an appeal from acquittal could be summarized as:-

“(i) Appreciation of evidence is the core element of a criminal trial and such appreciation must be comprehensive--inclusive of all evidence, oral and documentary;

(ii) Partial or selective appreciation of evidence may result in a miscarriage of justice and is in itself a ground of challenge;

(iii) If the Court, after appreciation of evidence, finds that two views are possible, the one in favour of the accused shall ordinarily be followed;

(iv) If the view of the Trial Court is a legally plausible



view, mere possibility of a contrary view shall not justify the reversal of acquittal;

(v) If the appellate Court is inclined to reverse the acquittal in appeal on a re-appreciation of evidence, it must specifically address all the reasons given by the Trial Court for acquittal and must cover all the facts;

(vi) In a case of reversal from acquittal to conviction, the appellate Court must demonstrate an illegality, perversity or error of law or fact in the decision of the Trial Court.”

29. In light of the aforesaid judgment, if we examine the facts and evidence emerging in the present case, it is found that the learned trial Court minutely appreciated the oral and documentary evidence and acquitted the accused of the charges u/s 302/149, 324, 326/149, 294 and 506B of IPC. We find no illegality or infirmity in this finding of acquittal. Thus, the acquittal appeal filed by the injured victim being without any merit is liable to be dismissed. As regards the acquittal appeal filed by the State seeking enhancement of punishment, since we have already converted the offence u/s 304-II/149 of IPC into 325/149 of IPC and for the reasons stated above, reduced the sentence thereunder, this appeal also fails and is liable to be dismissed.

30. In the result:

- ACQA Nos. 19/2011 and 119/2020 being without any substance are hereby dismissed.
- CRA No.205/2010 is allowed in part. While maintaining conviction of the accused/appellants u/s 147, 148, 323/149 &



325/149 of IPC, their conviction u/s 304-II/149 of IPC is altered into Section 325/149 of IPC. Under both Sections 325/149 of IPC, the substantive jail sentence of the accused/appellants is reduced to the period already suffered by them. However, they shall pay a fine of Rs.100/- each thereunder or else shall suffer additional RI for one month. The fine amount already deposited shall be adjusted accordingly.

The accused/appellants are reported to be on bail, therefore, their bail bonds shall remain in operation for a period of six months from today by virtue of provisions of Section 481 of BNSS, 2023. The record of the trial Court along with copy of this judgment be sent back immediately to the trial Court concerned for compliance and necessary action.

**Sd/
(Rajani Dubey)
Judge**

**Sd/
(Radhakishan Agrawal)
Judge**