

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Criminal Revision Petition No. 1243/2008

Jangir Singh S/o Avtar Singh B/c Raisikh R/o Saadeki Tehsil  
Suratgarh District Sri Ganganagar (Raj.)

-----Petitioner

Versus

- 1.State Of Rajasthan
- 2. Ranjha Singh s/o Labh Singh, b/c Raisikh Rio Saadeki
- 3. Jagga Singh s/o Labh Singh, b/c Raisikh Rio Saadeki
- 4. Krishan Singh @Pritam Singh s/o Labh Singh, b/c Raisikh R\o Saadeki
- 5. Santokh Singh @ Santa Singh s/o Fouja Singh, b/c Raisikh Rio Saadeki
- 6.Kundan Singh s/o Gurdayal Singh b/c Raisikh R/o Saadeki Tehsil Suratgarh District Sri Ganganagar

-----Respondent

Connected With

S.B. Criminal Appeal No. 427/2008

- 1. Ranjha Singh s/o Labh Singh, b/c Raisikh Rio Saadeki
- 2. Jagga Singh s/o Labh Singh, b/c Raisikh Rio Saadeki
- 3. Krishan Singh @Pritam Singh s/o Labh Singh, b/c Raisikh R\o Saadeki

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

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| For Petitioner(s) | : | Mr. R.S. Gill<br>Mr. Kamal Deep Singh |
| For Respondent(s) | : | Mr. Surendra Choudhary, AGA           |

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**HON'BLE MR. JUSTICE FARJAND ALI**

**Order**

**16/07/2025**

1. The present criminal appeal, preferred by the convicts, and the criminal revision petition, instituted by the complainant, emanate from a common judgment dated 05.06.2008 passed by the learned Additional Sessions Judge No.2, Sri Ganganagar, Camp Suratgarh, in Sessions Case No.30/2002. By the said judgment, five accused persons were held guilty under Sections 325 and 326 of the Indian Penal Code and sentenced to varying terms of imprisonment. Simultaneously, they were acquitted of the remaining charges under Sections 148, 323, 504, 307, and 149 IPC.

2. The genesis of the prosecution case lies in the statement of injured informant Jangir Singh, recorded on 20.06.2002 at about 6:45 p.m. He alleged that earlier that afternoon, around 3:00 p.m., several persons namely Ranjha Singh, Krishan Singh, Jarnail Singh, Chotu Singh, Jagga Singh, Gurdial Singh, Kundan Singh, Fouja Singh, and Sopa Singh all armed with lathis and gandasis, forcibly entered his residence. They attempted to abduct his wife, Sheela Bai. Upon his resistance, Ranjha Singh allegedly delivered a gandasi blow on his head, while Jagga Singh inflicted a similar blow on Minder Singh. Other family members were also mercilessly beaten. The injured were eventually rescued by Surender Singh, Mangat Singh, and Santokh Singh, and were rushed to the Primary Health Centre, Suratgarh for treatment.

2.1. On the basis of this statement, FIR No.356/2002 was registered at Police Station Suratgarh for offences punishable under Sections 452, 354, 323, and 143 IPC. Subsequently, in light

of the medical reports revealing grievous injuries, Section 307 IPC was also invoked. Upon conclusion of investigation, the charge sheet was presented against respondents No.2 to 6.

2.2. The learned Trial Court, upon appreciation of ocular testimony of the injured witnesses coupled with corroborative medical evidence, convicted the accused under Sections 325 and 326 IPC. However, it acquitted them of the more serious allegations under Sections 148, 323, 504, 307, and 149 IPC, holding that the prosecution had failed to prove the essential ingredients of those offences, particularly the intention or knowledge indispensable for an offence under Section 307 IPC.

2.3. Assailing their conviction, the accused preferred the present appeal seeking complete exoneration or, in the alternative, mitigation of sentence. Parallely, the complainant invoked the revisional jurisdiction of this Court, challenging the acquittal of the accused under Section 307 IPC and allied offences, and prayed for their conviction under those provisions.

3. I have heard the counsel for the parties and gone through the record available.

4. Having heard learned counsel for the parties and upon meticulous scrutiny of the record, this Court finds that the testimony of injured witnesses, particularly Jangir Singh and Minder Singh, is cogent, consistent, and duly corroborated by medical evidence. Their version unerringly proves the infliction of grievous injuries by the accused, thereby substantiating the conviction under Sections 325 and 326 IPC. No illegality or

perversity is discernible in the findings of the Trial Court on this aspect, and therefore, the conviction under the said provisions stands affirmed.

4.1. Turning to the acquittal under Section 307 IPC, it becomes necessary to advert to the legal framework. Section 307 IPC stipulates that *"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 to imprisonment for life, or such punishment as is hereinbefore mentioned."* The gravamen of the provision lies in the mens rea of the accused whether the act was carried out with the intent to cause death or with the knowledge that it was imminently dangerous and likely to cause death. The nature of injury is a relevant but not determinative factor; even a minor injury may attract Section 307 IPC if accompanied by the requisite intent, whereas grievous injury may fall short of its ambit if the animus to kill is absent.

4.2. Applying these principles, this Court finds that the evidence on record does not conclusively establish that the accused acted with the necessary intent or knowledge to cause death. The occurrence was sudden, arising during a marriage-related gathering, and appears to have been triggered by intoxication and rashness rather than a calculated design to kill. Though serious

injuries were inflicted by sharp-edged weapons, the element of premeditated intent to cause death is conspicuously absent. Accordingly, the Trial Court's view in acquitting the accused of the charge under Section 307 IPC is both legally sound and factually justified. It is well-settled that unless a finding of acquittal is palpably perverse or wholly unsupported by evidence, revisional jurisdiction should not be exercised to overturn it. The complainant's revision petition, therefore, lacks merit and deserves dismissal.

4.3. On the question of sentence, it bears emphasis that the incident dates back to June 2002, more than two decades ago. The accused have already undergone part of their custodial sentence and have since endured the ordeal of prolonged criminal proceedings. They are now considerably advanced in age and have remained free from subsequent criminal conduct. In these circumstances, this Court is persuaded to adopt a compassionate view. Guided by the observations of the Hon'ble Supreme Court in ***Haripada Das v. State of West Bengal, (1998) 9 SCC 678, and Alister Anthony Pareira v. State of Maharashtra, (2012) 2 SCC 648***, the ends of justice would be sufficiently met if the sentence of imprisonment is reduced to the period already undergone by the petitioner.

5. In result, the criminal revision petition filed by the complainant, challenging the acquittal under Section 307 IPC and allied offences, is dismissed as devoid of merit. The criminal appeal preferred by the accused is partly allowed: while their

conviction under Sections 325 and 326 IPC is upheld, their substantive sentence is reduced to the period already undergone. Additionally, each appellant shall pay compensation of ₹5,000/- to the injured Jangir Singh and Minder Singh, aggregating to ₹15,000/-, to be deposited before the Trial Court on or before 15.10.2025, which shall ensure expeditious disbursement of ₹15,000/- to the each victim. With the aforesaid modification in sentence, the appeal stands disposed of.

6. All pending applications, if any, shall stand disposed of.

7. Let record be sent back forthwith.

**(FARJAND ALI),J**

27-Mamta/-