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After hearing both sides, we are unable to find any infirmity warranting interference with the concurrent findings on facts.

Learned counsel made an alternative plea that the offence can be altered to Section 304 Part II of the Indian Penal Code. We find little scope considering the nature of the weapons used by the accused and the injuries inflicted independently by each of them.

We, therefore, dismiss this appeal.

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(K.T. Thomas)@@

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New Delhi

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December 12, 2001

(S.N. Phukan)@@

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