



O R D E R

Heard learned counsel for the Parties.

Leave granted.

On perusal of the impugned judgments, we are of the opinion that the High Court was not justified in convicting the accused for an offence under Section 324 Part II read with 34 IPC. In our opinion the facts as projected by the prosecution shows that the offence is under one under Section 326 read with 34 IPC. Having come to the said conclusion and having considered the facts of this case, we think that sentence of two years rigorous imprisonment for the above offence would meet the ends of justice. Therefore, we alter the conviction to one under Section 326 read with 34 IPC, and reduce the sentence to two years rigorous imprisonment. The period of imprisonment undergone by the appellant will be given set off. With the above modification this appeal is partly allowed.

.....J.  
(N. SANTOSH HEGDE)

.....J.  
(B.P. SINGH)  
New Delhi,  
November 21, 2003.