



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

S.B. Criminal Appeal No. 313/1993

Puran Singh S/o Chain Singh, 64, G.b. Tehsil, Raisinghnagar,  
Distt. Sri Ganganagar.

----Appellant

Versus

State Of Rajasthan

----Respondent

Connected With

S.B. Criminal Miscellaneous (Petition) No. 2584/2026

State Of Rajasthan, Pp

----Appellant

Versus

1 Puran Singh S/o Chain Singh, 64, G.b. Tehsil, Raisinghnagar,  
. Distt. Sri Ganganagar.

2 Baba Singh S/o Tara Singh, 52 Np Tehsil, Raisinghnagar, Distt.  
. Sri Ganganagar.

----Respondents

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For Appellant(s) : Ms. Sarika Bishnoi  
Mr. Shivraj Singh for Mr. Pankaj Gupta  
For Respondent(s) : Mr. N.S. Chandawat, Dy.G.A.

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

**JUDGMENT/ORDER**

**REPORTABLE**

**18/05/2026**

1. The matter arises out of an application preferred on behalf of the appellant seeking recall of the order dated 07.02.2026 whereby warrant of arrest had been issued against him. It is borne out from the record that the present criminal appeal, being Criminal Appeal No.313/1993, came to be instituted in the year 1993 assailing the judgment of conviction and order of sentence dated 18.08.1993 passed by the learned Additional Sessions Judge, Raisinghnagar in Sessions Case No.1/1990. The sentence



awarded to the appellant had earlier been suspended by a Coordinate Bench of this Court vide order dated 27.09.1993 and the appellant was enlarged on bail during pendency of the appeal. However, when the matter was listed for hearing on the previous occasion, none appeared on behalf of the appellant despite service of notice and even after issuance ofailable warrants. Consequently, vide order dated 07.02.2026, the order suspending sentence stood cancelled, the bail bonds furnished by the appellant were forfeited and warrant of arrest came to be issued against him.

2. Learned counsel appearing for the appellant submitted that the absence of the appellant on the previous dates was neither deliberate nor intentional and had occurred owing to unavoidable circumstances. It was further urged that the appeal pertains to an occurrence of the year 1989 and has remained pending adjudication before this Court for more than three decades and, therefore, instead of relegating the matter further into prolonged procedural entanglement, the appeal itself deserves to be heard finally.

3. Having bestowed anxious consideration to the submissions advanced at the Bar and upon careful perusal of the material available on record, this Court finds that the incident in question pertains to the year 1989 whereas the present appeal has remained pending since the year 1993. The litigation has thus traversed an extraordinarily protracted procedural journey extending over more than three decades. In such circumstances,





particularly when the appeal itself is ripe for final adjudication, this Court deems it appropriate, in the interest of substantial and complete justice, to take up the appeal itself for final disposal along with the miscellaneous petition instituted subsequent to forfeiture of the bail bonds.

4. Accordingly, the order dated 07.02.2026 directing cancellation of suspension of sentence, forfeiture of bail bonds and issuance of warrant of arrest against the appellant deserves to be recalled and is hereby recalled. Consequently, the warrant of arrest issued against the appellant stands withdrawn.

5. The instant criminal appeal has been directed against the judgment dated 18.08.1993 passed by the learned Additional Sessions Judge, Raisinghnagar in Sessions Case No.1/1990 whereby the appellant was convicted for the offence under Section 307 IPC and sentenced to undergo five years' rigorous imprisonment along with a fine of Rs.200/-, and in default of payment of fine, to further undergo six months' simple imprisonment.

6. The prosecution case, succinctly stated, is that a report (Exhibit D-2) came to be lodged at the instance of PW-2 Mukhtiar Singh informing the police that the victim Kalwant Singh had been assaulted by the appellant by use of a sword. It was alleged that PW-2 and his son Kashmir Singh had witnessed the occurrence and had seen the appellant inflicting injuries upon the victim.

6.1 Pursuant thereto, investigation commenced; the appellant was arrested and, after completion of investigation, charge-sheet





came to be filed for offences under Sections 307 and 201 IPC. Upon taking cognizance, the matter was committed to the Court of Sessions where charges for the aforesaid offences were framed against the appellant.

6.2. In support of the prosecution case, nine witnesses were examined and sixteen documents were exhibited. Thereafter, the statement of the accused-appellant under Section 313 Cr.P.C. was recorded. Upon culmination of trial, the learned trial Court convicted the appellant for the offence under Section 307 IPC while acquitting him of the charge under Section 201 IPC. Hence the instant appeal.

7. I have heard learned counsel for the parties at length and have meticulously examined the impugned judgment as well as the entire record of the case.

8. What distinctly emerges from the evidence adduced by the prosecution is that although some prior discord existed between the parties, the same had earlier been amicably resolved through intervention of the village Panchayat. On the date of occurrence, PW-2 Mukhtiar Singh was informed by his son Kashmir Singh (PW-4) regarding the altercation, whereupon he rushed to the place of occurrence and intervened in the matter. Thereafter, the appellant allegedly fled from the spot and the injured was taken for medical examination.

8.1. A bare reading of the testimony of Kashmir Singh (PW-4) reveals that immediately prior to the incident, the appellant, the victim and certain other persons were sitting together, consuming





tea and conversing in a cordial atmosphere. However, after exchange of heated words, the appellant allegedly brought a kirpan, i.e., a sharp-edged weapon, and inflicted injuries upon the victim. Thereafter, PW-2 and PW-4 intervened and the injured was shifted to the hospital.

8.2. The testimony of PW-7 Dr. Kailash Chandra assumes considerable significance. The doctor found as many as fifteen injuries on the person of the injured Kalwant Singh. Out of the said injuries, Injury Nos.1, 5 and 6 were opined to be grievous in nature. Injury No.1 was situated on the occipital region of the skull; Injury No.5 was an incised wound near the right ear; whereas Injury No.6 pertained to dislocation in the left incisor and premolar region extending around the cheek and mandible bone. The remaining injuries were simple in nature. Significantly, none of the injuries were opined to be sufficient in the ordinary course of nature to cause death nor were they found to be imminently dangerous to life.

8.3. At this juncture, it becomes imperative to advert to the true scope and applicability of Section 307 IPC. The offence punishable under Section 307 IPC is founded not merely upon the consequence of the act, but primarily upon the intention or knowledge with which the act is committed. The gravamen of the offence lies in the mens rea accompanying the actus reus. To sustain a conviction under Section 307 IPC, the prosecution is obligated to establish beyond reasonable doubt that the accused had the intention or knowledge contemplated under the provision,





namely, an intention to cause death or such bodily injury as the offender knew to be likely to cause death.

8.4. It is well settled that the nature of weapon used, the part of body chosen for assault, the severity of injuries inflicted, antecedent animosity, motive, surrounding circumstances and the conduct of the accused before and after the occurrence are all relevant considerations in determining the existence of the requisite intention. However, the mere fact that grievous injuries were caused or that a dangerous weapon was used would not, ipso facto, attract Section 307 IPC unless the prosecution further succeeds in establishing the indispensable ingredient of intention or knowledge to commit murder.

8.5. The distinction between an offence under Section 307 IPC and offences relating to voluntarily causing hurt or grievous hurt is often subtle yet legally profound. While grievous or repeated injuries may constitute an aggravating circumstance, the same cannot substitute the indispensable mental element required for constituting an offence of attempt to murder. Courts are therefore required to carefully discern whether the assault was actuated by a deliberate homicidal design or whether it emerged out of a sudden quarrel, temporary provocation, emotional instability or loss of self-control.

8.8. Applying the aforesaid principles to the facts of the present case, this Court finds that the prosecution evidence unmistakably reveals absence of premeditation or preconceived design. The occurrence appears to have erupted all of a sudden during the





course of an ordinary conversation while the parties were sitting together and taking tea. There is no convincing material on record indicating that the appellant had arrived at the spot armed with a settled intention to commit murder of the victim. The prior dispute between the parties was trivial in nature and had already been resolved nearly three years prior to the incident through amicable settlement.

8.9. Though the multiplicity of injuries and the use of a sharp-edged weapon undeniably establish that the appellant assaulted the victim with force, yet the attendant circumstances unmistakably indicate that the incident was a product of sudden provocation and momentary loss of self-restraint rather than a calculated homicidal attempt. The medical evidence further fortifies this conclusion inasmuch as none of the injuries were declared sufficient in the ordinary course of nature to cause death or dangerous to life.

8.10. Thus, upon holistic appreciation of the ocular and medical evidence, this Court is unable to persuade itself to affirm the finding of the learned trial Court insofar as conviction under Section 307 IPC is concerned. The essential ingredients constituting the offence of attempt to murder remain conspicuously unsubstantiated.

8.11. Nevertheless, the evidence on record unequivocally establishes that the appellant voluntarily caused injuries, including grievous injuries, to the victim by use of a sharp-edged weapon. Consequently, the offence proved against the appellant





unmistakably falls within the ambit of Section 324 IPC. Thus, the conviction of the appellant under Section 307 IPC is hereby set aside and the appellant is acquitted of the said charge. However, the conviction of the appellant is altered and converted to one under Section 324 IPC.

8.12. Coming now to the question of quantum of sentence, it is not disputed that the incident in question occurred in the year 1989 and the appellant has remained in judicial custody for a considerable duration during the course of trial and post-conviction, approximately two and a half months. It has also been brought to the notice of this Court that the appellant is now of advanced age and belongs to a modest socio-economic background. He has suffered the ordeal of prolonged criminal litigation extending over more than three decades, thereby enduring immense mental anguish, social stigma and emotional hardship.

8.13. In the considered opinion of this Court, having regard to the mitigating circumstances, namely the advanced age of the appellant, his limited financial means, the extraordinary delay in culmination of proceedings, the fact that he has already undergone part of the custodial sentence, and more particularly the principles enunciated by 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***, this Court is of the considered view that the ends of justice would be adequately subserved if the sentence of





imprisonment awarded to the appellant is reduced to the period already undergone by him.

8.14. Consequently, while maintaining the conviction of the appellant under Section 324 IPC, the sentence imposed upon him is modified to the extent that the substantive sentence of imprisonment shall stand reduced to the period already undergone. However, the fine imposed by the learned trial Court shall remain intact. In the event of non-payment of fine, the appellant shall undergo the default sentence as originally awarded.

9. The appeal is accordingly partly allowed in the aforesaid terms. The miscellaneous petition as well as all pending applications also stand disposed of. The warrant of arrest issued against the appellant stands recalled forthwith.

10. Let a copy of this judgment be transmitted to the concerned trial Court forthwith for information and necessary compliance.

**(FARJAND ALI),J**

7-Mamta/-

