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**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
SANJAY KAROL; J., NONGMEIKAPAM KOTISWAR SINGH; J.
CRIMINAL APPEAL NO. 2207, 2209, 2210 OF 2011; May 22, 2026
ROSHAN LAL versus THE STATE OF HARYANA & ANR.**

Indian Penal Code, 1800; Section 307 vs Section 325 - Attempt to Murder vs Voluntarily Causing Grievous Hurt - Essential Ingredients - Intention or Knowledge - The essential ingredient of the offence of attempt to murder is the intention or knowledge to cause death, which must be established independently of the act itself - The gravity of the injury by itself cannot be determinative of an offence under Section 307 IPC unless the prosecution establishes the requisite mens rea - The intention to commit murder cannot be presumed merely because the injuries were ultimately opined to be dangerous to life - In the absence of evidence showing prior motive, premeditation, repeated deliberate blows with deadly weapons, or any conduct indicative of a determined effort to cause death, a conviction under Section 307 IPC cannot be sustained - Since the incident occurred suddenly when the injured intervened in an altercation, and the weapons used were ordinary lathis without showing brutal persistence, the conviction was altered from Section 307 read with Section 34 IPC to Section 325 read with Section 34 IPC. [Paras 26, 31-38]

Indian Penal Code, 1860; Section 320 (Seventhly & Eighthly) and Section 325 - Grievous Hurt - Fracture or dislocation of a bone constitutes grievous hurt within the meaning of Clause Seventhly of Section 320 IPC - Any hurt which endangers life or causes the sufferer to be in severe bodily pain or undergo prolonged treatment attracts Clause Eighthly of Section 320 IPC - Where the medical evidence unequivocally establishes that the victim suffered fractures in both parietal bones near the midline accompanied by neurological complications and prolonged hospitalization, the ingredients necessary to attract Section 325 IPC stand fully satisfied. [Paras 36-38]

Criminal Jurisprudence - Interference with Concurrent Findings of Fact - Summarized principles governing interference by the Supreme Court in a criminal appeal by special leave against concurrent findings of the courts below - Supreme Court would not normally interfere with a concurrent finding of fact based on pure appreciation of evidence or enter into a re-appraisal unless the assessment of the High Court is vitiated by an error of law or procedure, misreading of evidence, or is manifestly perverse and based on no evidence. [Relied on Dalbir Kaur & Ors. vs. State of Punjab (1976) 4 SCC 158; State of Madhya Pradesh v. Saleem @ Chamaru, (2005) 5 SCC 554; Bipin Bihari v. State of M.P. (2006) 8 SCC 799; Para 30-40]

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JUDGEMENT

NONGMEIKAPAM KOTISWAR SINGH, J.

1. The present three appeals, Criminal Appeal Nos.2207/2011, 2209/2011 and 2210/2011 have been preferred against the common judgment and order dated 16.08.2010 passed by the High Court of Punjab & Haryana in CRA No. 801-SB of 2002 as well as CRA No. 802-SB of 2002, dismissing the appeals filed by the appellants herein, upholding the conviction and sentence imposed by the Additional Sessions Judge, Rewari, (Trial Court), vide its judgment dated 02.05.2002 in Sessions Case No. 13/2000 in relation with FIR No. 116 dated 06.06.2000, initially under Sections 323/325/506 IPC, with Section 307 IPC added later; trial charge under Sections 307/506 read with Section 34 IPC.

2. At the outset, it is apposite to recall the principles applicable when dealing with concurrent findings of the courts below, for which we may refer to the decision in **Dalbir Kaur & Ors. vs. State of Punjab (1976) 4 SCC 158**, wherein it was held as below:

“8. Thus, the principles governing interference by this Court in a criminal appeal by special leave may be summarised as follows:

(1) that this Court would not interfere with the concurrent finding of fact based on pure appreciation of evidence even if it were to take a different view on the evidence;

(2) that the Court will not normally enter into a re-appraisal or review of the evidence, unless the assessment of the High Court is vitiated by an error of law or procedure or is based on error of record, misreading of evidence or is inconsistent with the evidence, for instance, where the ocular evidence is totally inconsistent with the medical evidence and so on;

(3) that the Court would not enter into credibility of the evidence with a view to substitute its own opinion for that of the High Court;

(4) that the Court would interfere where the High Court has arrived at a finding of fact in disregard of a judicial process, principles of natural justice or a fair hearing or has acted in violation of a mandatory provision of law or procedure resulting in serious prejudice or injustice to the accused;

(5) this Court might also interfere where on the proved facts wrong inferences of law have been drawn or where the conclusions of the High Court are manifestly perverse and based on no evidence.”

It is very difficult to lay down a rule of universal application, but the principles mentioned above and those adumbrated in the authorities of this Court cited supra provide sufficient guidelines for this Court to decide criminal appeals by special leave. Thus, in a criminal appeal by special leave, this Court at the hearing examines the evidence and the judgment of the High Court with the limited purpose of determining whether or not the High Court has followed the principles enunciated above. Where the Court finds that the High Court has committed no violation of the various principles laid down by this Court and has made a correct approach and has not ignored or overlooked striking features in the evidence which demolish the prosecution case, the findings of fact arrived at by the High Court on an appreciation of the evidence in the circumstances of the case would not be disturbed.”

3. Keeping the aforesaid principles in mind, this Court shall proceed to examine the present set of appeals to determine whether any manifest error or illegality has occurred, or whether there has been a grave miscarriage of justice arising from a misreading of, or failure to consider, material evidence. Such determination necessarily entails a careful and comprehensive examination of the facts and circumstances of the case. Accordingly, it becomes imperative to revisit the background facts and the evidence placed on record.

- 4.** It may be noted that since the State has not preferred any appeal against the acquittal of the fourth accused, Dharamvir, we may not burden ourselves in detail with the evidence relating to the acquittal of the fourth accused Dharamvir except those as may have ramifications for the present three appellants.
- 5.** The case of the Prosecution, in brief, is that on 05.06.2000, the injured-informant Amar Singh (PW3) was assigned night watchman duty in the village. In the course of his duty, he proceeded to ascertain the whereabouts of other persons who were to accompany him and was informed that they had already assembled near the house of one Rama Nand. Upon reaching the said place, the complainant noticed a gathering of persons assaulting and beating an individual. When he intervened and questioned the conduct of those persons, the accused persons, acting in furtherance of their common intention, turned upon him. Accused Sajjan Singh, armed with a lathi, inflicted a blow on the head of the complainant; accused Satya Parkash dealt a lathi blow on his right hand; accused Dharamvir assaulted him with fists and kicks; and accused Roshan Lal also delivered a lathi blow on his head. As a result of the assault, the complainant raised an alarm, whereupon Rama Nand (PW4) arrived at the spot and rescued him from the accused persons. It is further the case of the prosecution that the accused extended threats to kill anyone who came to the aid of the complainant.
- 6.** The matter was thereafter reported to the police, while also immediately providing medical aid to injured Amar Singh (PW3), leading to the registration of an FIR the next morning being FIR No. 116/2000 at 8:30 AM on 06.06.2000.
- 7.** The injured Amar Singh (PW3) was immediately taken to the General Hospital, Rewari by his wife and son. Since he was a Goods Clerk in the Railways at the time of the incident, he was referred to Central Hospital, Northern Railway, New Delhi, as his condition worsened. He remained there from 08.06.2000 to 01.07.2000. He was admitted again, from 15.07.2000 to 20.07.2000.
- 8.** All the accused persons denied all allegations, alleged false implications, pleaded not guilty. Accordingly, the trial commenced.
- 9.** As per the Prosecution, upon being taken to the hospital, immediately after the incident, Dr. O.P. Dabas (PW1) had examined the injured-informant. As per his statement, a lacerated wound measuring approximately 6 × 1 cm with irregular margins was observed on the left parietal region of the scalp. The injury was transversely placed, situated about 10 cm above the left pinna, and the underlying bone was visible. The scalp hair had not been cut, and the wound was found to be bleeding upon cleaning. An X-ray was advised, and the injury was kept under observation pending radiological examination. In the medical opinion, the injury had been caused within 24 hours by a blunt weapon. Dr. Dabas opined that Amar Singh had a compound fracture of scalp. At the time of admission to the hospital, the injured Amar Singh was experiencing vomiting. As per the CT scan findings, a small parietal haematoma was detected, accompanied by weakness on the right side of the body. In view of these clinical findings, the injury sustained by Amar Singh was opined to be dangerous to life.
- 10.** During the trial, Dr. C. Sharma, Medical Officer, Lok Nayak Hospital, New Delhi was also examined as PW9. He stated that the injured informant was referred from Central Hospital, Northern Railway, New Delhi due to a head injury. During the treatment, he found that Amar Singh (PW3) had small haemorrhagic contusions in the right temporal and left fronto parietal regions, along with evidence of bifrontal extra-axial collections along the

convexities. The CT scan report from Lok Nayak Hospital dated 12.06.2000 further revealed fractures in both parietal bones near the midline.

11. Dr. Sanjeev Singhal (PW11), Neurosurgeon at Central Hospital, Northern Railway, New Delhi added another medical dimension that the victim was developing multi-organ failure after his return from the Lok Nayak Hospital, on 13.06.2000 and he remained in the hospital till 01.07.2000.

12. Insofar as the accused Dharamvir was concerned, the evidence on record indicated that he was not armed with a lathi and was alleged only to have delivered fist and slap blows to the injured Amar Singh (PW3). The injuries attributed to him did not find corroboration from the medical evidence. Moreover, the testimony of the prosecution witnesses was insufficient to establish his guilt for the offence punishable under Section 307 of the Indian Penal Code. In the absence of cogent and reliable evidence against Dharamvir, he was acquitted.

13. The Trial Court, vide judgment dated 02.05.2002, convicted accused persons Roshan Lal, Satya Prakash and Sajjan Singh under Sections 307 read with 34 and Section 506 of IPC, relying on the evidence of PW-3, the victim and the testimony of eye-witness Rama Nand (PW4) that, in furtherance of their common intention, the said accused persons caused injuries to Amar Singh (PW3) with such intention and knowledge, which was corroborated by the forensic evidence of Dr. O.P Dabas (PW1), Dr. C Sharma (PW9) as well as Dr. Sanjeev Singhal (PW11), which proved that the Injury No. 1 was dangerous to life, and in such circumstances, the Trial Court held that had their act resulted in his death, they would have been guilty of murder. Accordingly, all the essential ingredients of the offence punishable under Section 307 read with Section 34 of the IPC were held duly proved against the three accused. Accordingly, accused Roshan Lal, Satya Prakash and Sajjan Singh were convicted under Section 307 IPC read with Section 34 IPC and were sentenced to undergo rigorous imprisonment for a period of seven years for the offence punishable under Sections 307 r/w 34 IPC along with a fine of Rs. 5000/- each and to undergo rigorous imprisonment for a period of one year for the offence punishable under Section 506 IPC along with a fine of Rs. 1000/-.

14. The High Court, in the appeals preferred by the convicted accused persons, upheld the conviction of the appellants herein.

15. Before the High Court, the appellants contended that they were falsely implicated by the informant due to existing jealousy and rivalry. The injuries upon Amar Singh (PW3) were inflicted by some unidentified persons and that even though, there were a large number of people stated to be present at the spot of the incident, none of them were examined by the prosecution. The appellants further contended that the investigating officer of the case was never examined, and that the prosecution had failed to prove any intention to cause any injury. Lastly, it was submitted that since only one injury was noticed as per the medical records, a conviction under Section 307 IPC was unsustainable.

16. Additionally, the Prosecution also stated that the appellants had been attempting to badger and threaten the key eye-witness Rama Nand (PW4) by lodging false FIRs against him and his family members. One FIR No. 263/2000 was lodged upon the statement of Satya Prakash against Rama Nand and his son Narender Singh u/s 323/324/325/506/452 IPC, which, after investigation, was found to be false. Further, another FIR was lodged u/s 452, 354 and 506 IPC against Mukesh who is the other son of Rama Nand, on the basis of the statement of Rozy, sister of appellant Satya Prakash. This FIR was also later found false.

17. The Prosecution, before the High Court, also stated that even after the incident and the registration of the FIR, the injured informant continued to face mental and physical harassment. Due to persistent threats from the accused-appellants directed at him and his witnesses, the injured complainant was compelled to relocate to Gurgaon.

18. In the appeal, the High Court observed that from the testimonies of Dr. C. Sharma (PW9) and Dr. Ajay Aggarwal (PW15), it stands clearly established that the injured sustained fractures in both parietal bones near the midline. The evidence of Dr. Sanjeev Singhal (PW11) further indicates that the injured informant was progressing towards multi-organ failure, with investigative reports revealing deranged kidney and liver functions. The discharge summary records that the complainant suffered injuries on both the left and right sides of the head, along with a loss of power in the right wrist. Taken together, the medical evidence conclusively demonstrates that the accused-appellants inflicted grievous injuries upon the complainant.

19. The High Court relied upon the case of ***Prakash Chandra Yadav v. State of Bihar & Ors., 2007 (4) RCR (Crl.) 860***, while upholding that the nature or extent of the injury is neither essential nor determinative; it is merely one of the relevant considerations, for the purposes of Section 307 IPC. The primary inquiry is into the intention of the accused, which must be inferred from the surrounding circumstances.

20. The High Court accepted the ocular version supported by medical evidence and held that the post-incident conduct of the accused-appellants was highly reprehensible, inasmuch as they subjected the injured and other witnesses to continuous mental and physical harassment by lodging false FIRs in an attempt to intimidate him. The High Court held that it was further proved that the appellants inflicted serious injuries upon Amar Singh, as fully corroborated by the medical evidence on the vital parts of the body, namely, both sides of the head, which led to deranged kidney and liver malfunctions, as well as loss of power in the right wrist.

21. The High Court, after a detailed analysis of the evidence on record, repelled the contentions of the appellants and upheld the conviction and the order of sentence which was passed by the Sessions Court.

22. Thus, all the three convicted accused persons Roshan Lal, Sajjan Singh and Satya Prakash are before us, by way of three separate criminal appeals, with the following pleas:

a) Accused Roshan Lal argues that his conviction rests on the limited allegation that he caused an injury with a lathi on the right side of the head; however, no such injury finds mention in the testimony of Dr. O.P. Dabas (PW1), who refers only to an injury on the left side. The evidence of PW1, Dr. O.P. Dabas, undermines the version of Amar Singh (PW3) regarding the involvement of multiple assailants, a discrepancy that was overlooked by both the Trial Court and High Court.

b) Accused Roshan Lal has also specifically argued that since he was not the principal assailant, and the sentence imposed by the Trial Court, as affirmed by the High Court being seven years' imprisonment under Section 307 IPC and one year under Section 506 IPC, is excessively severe. In the given circumstances, particularly considering that the petitioner is a first-time offender, he ought to have been extended the benefit of the Probation of Offenders Act, 1958.

c) The High Court's characterization of the said injury as "serious" does not satisfy the requirement under Section 307 IPC, which mandates that the injury be of such a nature as is sufficient, in the ordinary course, to cause death.

- d) The High Court placed reliance on the post-incident conduct of the co-accused, Satya Prakash, characterising it as deplorable, and proceeded to affirm the conviction on that basis, even though such reliance was founded on FIRs lodged by third parties and not by the said injured/complainant himself.
- e) Following the alleged incident, the injured-informant was taken to the hospital by his wife, despite her not being shown as present at the scene.
- f) The ocular evidence is not corroborated by the medical evidence since Dr. O.P. Dabas (PW1), who examined the complainant on 06.06.2000, has deposed in a manner inconsistent with the certificate issued by him on the same date. As per the said certificate, the injured informant was in a normal condition and had sustained only a single lacerated wound with irregular margins measuring 6 × 1 cm. However, in his deposition, PW1 stated that the injured had suffered a compound fracture with a haematoma and described the injury as dangerous to life.
- g) The jeep driver, who was allegedly beaten at the place of the incident was a material witness who was never examined. Further, the Investigating Officer, who was in charge of the case, was not examined as a witness and was dispensed with as being unnecessary.
- h) According to the FIR, a large number of persons were present at the scene; however, none of them were identified or examined as witnesses in support of the Prosecution's case.
- i) The Prosecution has failed to establish on record any intention or premeditation to cause injury to the informant Amar Singh. The injuries were sustained when the informant intervened to rescue the driver of the vehicle, and in these circumstances, no intention to cause harm can, even remotely, be attributed to the appellants.
- j) The injured was initially discharged after receiving first aid; however, thereafter, by manipulation, he got himself referred to a Delhi Government Hospital but instead secured admission in a Railway Hospital with an oblique motive of obtaining a favourable medical report so as to strengthen and fasten the liability of the appellants. This conduct reflects a calculated attempt on the part of the injured to implicate the appellants.
- k) High Court also failed to appreciate that the Trial Court did not adhere to the settled legal principles laid down by this Hon'ble Court, which mandates that a reasonable opportunity be afforded to a person found guilty to prepare a defence on the question of sentence. In the present case, the appellants were held guilty at the close of proceedings on 2 May 2002, and by 10:30 a.m. the very next day, were awarded the maximum sentence. This reflects a lack of due application of mind and, in effect, a denial of any real opportunity to the appellants.

23. On the other hand, it has been contended before us on behalf of the prosecution that, insofar as the three appellants are concerned, the findings recorded by the Trial Court and affirmed by the High Court are founded on admissible and relevant evidence. It is submitted that their conviction does not suffer from any illegality and, there being no perversity in the concurrent findings of the courts below, this Court ought not to interfere with the judgment of the High Court.

ANALYSIS BY THIS COURT

24. The principal question that arises for consideration before this Court is whether the accused persons can be held guilty of the offence punishable under Section 307 of the Indian Penal Code, and, in particular, whether the essential ingredients of the said provision stood satisfied on the basis of the materials brought on record.

25. Section 307 IPC reads as below:

307. Attempt to murder.—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 either to imprisonment for life, or to such punishment as is hereinbefore mentioned.

26. In order to constitute an offence under Section 307 IPC two elements are essential to be established. First, the intention or knowledge to commit murder. Secondly, the actual act of trying to commit the murder. Thus, it must have both the necessary *mens rea* and *actus reus*. Hence, to sustain a conviction under this section, it is necessary to establish that had the accused succeeded in his attempt and had the victim met his death because of such act, the offence of murder punishable u/s 302 IPC would be established.

27. However, an accused charged u/s 307 IPC cannot be acquitted merely because the injuries inflicted on the victim were in the nature of simple hurt, as the determinative factor is intention or knowledge and not the nature of the injury. This principle was discussed by this Court in State of **Madhya Pradesh v. Saleem @ Chamaru, (2005) 5 SCC 554**, the relevant paragraph of which reads hereunder:

“12. To justify a conviction under this section, it is not essential that bodily injury capable of causing death should have been inflicted. Although the nature of injury actually caused may often give considerable assistance in coming to a finding as to the intention of the accused, such intention may also be deduced from other circumstances, and may even, in some cases, be ascertained without any reference at all to actual wounds. The section makes a distinction between an act of the accused and its result, if any. Such an act may not be attended by any result so far as the person assaulted is concerned, but still there may be cases in which the culprit would be liable under this section. It is not necessary that the injury actually caused to the victim of the assault should be sufficient under ordinary circumstances to cause the death of the person assaulted. What the court has to see is whether the act, irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in the section. An attempt in order to be criminal need not be the penultimate act. It is sufficient in law, if there is present an intent coupled with some overt act in execution thereof.”

Nevertheless, the nature of injury actually caused does render considerable assistance to the court in ascertaining the intention of the accused. However, courts may also ascertain the intention from other circumstances, even without reference to actual wounds. The aforesaid principle stands reiterated in the case of **Bipin Bihari v. State of M.P. (2006) 8 SCC 799**, as follows:

“9. It is sufficient to justify a conviction under Section 307 if there is present an intent coupled with some overt act in execution thereof. It is not essential that bodily injury capable of causing death should have been inflicted. Although the nature of injury actually caused may often give considerable assistance in coming to a finding as to the intention of the accused, such intention may also be deduced from other circumstances, and may even, in some cases, be ascertained without any reference at all to actual wounds. The section makes a distinction between the act of the accused and its result, if any. The court has to see whether the act, irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in the section. An attempt in order to be criminal need not be the penultimate act. It is sufficient in law, if there is present an intent coupled with some overt act in execution thereof”

28. Keeping in mind the above principles, what falls for determination before this Court is whether the appellants caused the injuries in question, and whether such act accompanied by the requisite intention or knowledge, was committed in circumstances which, if resulting in death, would render the act culpable as murder.

29. The evidence of eye-witness Rama Nand (PW4) is unwavering and consistent. PW4 has specifically named all the accused persons with specific acts attributable to each appellant-accused, in his testimony. Further, the evidence of the informant Amar Singh (PW3) itself clearly describes the specific roles played by each of the accused-appellants herein. The appellants have also not led any evidence to disprove the testimonies of Amar Singh (PW3) and Rama Nand (PW4). Hence, it can be concluded without an iota of doubt that the appellants had caused the injuries to the informant, which could have led to his death.

30. Having concluded as above, we now proceed to examine the crucial issue as to whether the injuries in question were inflicted with the requisite intention or knowledge, and in such circumstances that, had death ensued, the act would amount to murder.

31. The words 'such intention' found in Section 307 IPC, refer to the intention referred to in Section 300 IPC. It means: (i) intention to cause death; (ii) intention to cause such bodily injury, which the offender knows is likely to cause death; (iii) intention to cause such bodily injury, which is sufficient in the ordinary course of nature to cause death. The essential ingredient of the offence of attempt to murder is the intention to cause death. Such intention exists prior to the actual attempt and must be established independently of the act itself or the actus reus. Once the requisite intention to commit murder is proved, the eventual outcome of the attempt becomes irrelevant, unless the attempt culminates in death, in which case the offence would fall within Section 300 IPC. In the absence of proof of intention, a conviction under this provision cannot be sustained.

32. Intention, however, can be inferred from surrounding circumstances, such as the type of weapon employed, the words spoken by the accused at the time of the incident, the motive behind the act, the parts of the body targeted, the nature and extent of the injuries inflicted, as well as the force and manner in which the blows were delivered.

33. Tested on the anvil of the aforesaid legal principles, the factual matrix of the present case may now be considered. There is no history of enmity known between the appellants and the injured. The prosecution has also failed to bring on record any material suggesting prior planning, preparation, or concerted intention on the part of the appellants to cause the death of Amar Singh (PW3). On the contrary, the evidence reveals that the incident occurred suddenly when the injured intervened in an altercation involving the driver of the jeep. The assault, therefore, appears to have arisen in the heat of the moment and as a spontaneous reaction to such intervention, rather than pursuant to any pre-conceived intention to eliminate the complainant.

34. The circumstances, viewed holistically, suggest that the object of the appellants was primarily to deter or intimidate the complainant from interfering in the ongoing altercation. It is also significant that the weapons allegedly used by the appellants were ordinary lathis, which, though capable of causing grievous hurt depending upon the manner of use, cannot in the facts of the present case be regarded as inherently deadly weapons. There is nothing on record to indicate that the appellants persisted in the assault with such brutality or ferocity so as to unmistakably disclose an intention to cause death.

35. Undoubtedly, the injuries sustained by Amar Singh (PW3) were grievous in nature, and the medical evidence demonstrates that the injury to the head subsequently led to serious complications. However, the gravity of the injury by itself cannot be determinative of the offence under Section 307 IPC unless the prosecution is able to establish the requisite *mens rea* contemplated under the provision. The intention to commit murder cannot be presumed merely because the injuries were ultimately opined to be dangerous

to life. In the absence of evidence showing prior motive, premeditation, repeated deliberate blows with deadly weapons, or any conduct indicative of a determined effort to cause death, this Court is unable to hold that the appellants possessed the intention or knowledge necessary to attract Section 307 IPC in the light of *Bipin Bihari (supra)*.

36. At the same time, the evidence on record clearly establishes that the appellants voluntarily caused grievous injuries to the complainant, particularly on vital parts of the body, resulting in fractures and prolonged medical treatment. At this juncture, it is imperative to reproduce Section 320 IPC for our reference: -

Grievous hurt. —The following kinds of hurt only are designated as “grievous”: — *First.* — Emasculation.

Secondly. —Permanent privation of the sight of either eye. *Thirdly.* —Permanent privation of the hearing of either ear.

Fourthly. —Privation of any member or joint.

Fifthly. —Destruction or permanent impairing of the powers of any member or joint.

Sixthly. —Permanent disfiguration of the head or face. *Seventhly.* —Fracture or dislocation of a bone or tooth.

Eighthly. —Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits

37. The injuries sustained by the complainant, as borne out from the medical evidence on record, clearly fall within Clause *Seventhly* of Section 320 IPC, and would also attract Clause *Eighthly* in view of the finding that the injury was dangerous to life/prolonged treatment. The evidence of the doctors establishes that the complainant suffered fractures in both parietal bones near the midline, accompanied by neurological complications and prolonged hospitalization. Since fracture or dislocation of a bone constitutes grievous hurt within the meaning of Section 320 IPC, the offence committed by the appellants is squarely covered by Clauses *Seventhly and Eighthly* thereof. Consequently, the ingredients necessary to attract Section 325 IPC stand fully satisfied in the facts and circumstances of the present case.

38. In view of the foregoing discussion, this Court is of the considered opinion that the prosecution has failed to establish the essential ingredients necessary to sustain a conviction under Section 307 IPC, particularly the existence of the requisite intention or knowledge to commit murder. However, the evidence on record unequivocally proves that the appellants, in furtherance of their common intention, voluntarily caused grievous hurt to the complainant, the injuries being squarely covered under Clauses *Seventhly and Eighthly* of Section 320 IPC. Accordingly, the conviction of the appellants under Section 307 read with Section 34 IPC is altered to one under Section 325 read with Section 34 IPC.

39. Having convicted the appellants under Section 325 IPC, the next consideration is the quantum of punishment that may be imposed on them.

40. Under Section 325 IPC, whoever, voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. As per the records, Roshan Lal, appellant in Criminal Appeal No. 2207/2011 has undergone sentence a sentence of 2 years, 7 months; Sajjan Singh, appellant Criminal Appeal No. 2209/2011 has undergone a sentence of 2 years, 8 months; Satya Prakash, appellant in Criminal Appeal No. 2210/2011 has undergone a

sentence of 1 year, 1 month during the trial and pendency of the appeals before the High Court and this Court.

41. This Court, vide order dated 25.11.2011 had granted bail to appellant Roshan Lal, and vide order dated 05.12.2011, had granted bail to appellants Sajjan Singh and Satya Prakash.

42. Under the facts and circumstances discussed above, we are of the view that interest of justice will be served if the appellants are sentenced to the period already undergone by them and impose a fine of Rs. 50,000/- each on the appellants, which shall be paid to the injured-informant failing which the appellants will undergo additional 6 (six) months simple imprisonment. In the event of the appellants paying the amount, as ordered above, the bail bonds shall stand discharged. In the event of non-payment, the bail bonds shall stand discharged only after undergoing the default sentence of 6 (six) months.

43. For the reasons discussed above, the appeals are partly allowed as above and all pending applications, if any, are disposed of in accordance with the judgment above.

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