

“i Am Innocent. I Have Been Falsely Implicated in This Case by the Vs. the State of Haryana ---respondent

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Court : Punjab and Haryana

Decided On : Jul-11-2013

Appellant : “i Am Innocent. I Have Been Falsely Implicated in This Case by the

Respondent : The State of Haryana ---respondent

Judgement :

CRA No.1143 SB o

1. IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH. CRA No.1143-SB of 2000 Date of Decision:-11.7.2013 Rakesh ---Appellant Versus The State of Haryana ---Respondent CORAM:- HON'BLE MR.JUSTICE MEHINDER SINGH SULLAR Present:- Mr.Aman Vashisth, Advocate for the appellant. Mr.Sagar Deswal, AAG Haryana for the State. Mehinder Singh Sullar, J.Assailing the prosecution version and its evidence in totality, appellant-convict Rakesh alias Chhota son of Daya Nand (for brevity the appellant.) has preferred the instant appeal to challenge the impugned judgment of conviction dated 14.9.2000 and order of sentence dated 15.9.2000, by means of which, he was convicted and sentenced to undergo rigorous imprisonment (in short RI.) for a period of ten years, to pay a fine of ` 20,000/- and in default thereof to further undergo RI for a period of one year for the commission of an offence punishable u/s 307 IPC by the trial Court of Addl. Sessions Judge.

2. Tersely, the facts and evidence, unfolded during the course of trial, culminating in the commencement, relevant for disposal of the present appeal and emanating from the record, as claimed by the prosecution, are that the pet pigeons of the appellant used to put filth in CRA No.1143 SB o

2. the house of complainant Narender son of Sunder Singh (PW5), causing inconvenience to him. He lodged protest to the appellant in this regard. As a result thereof, he (appellant) used to nurse a grudge against him. According to the prosecution that on 11.8.1996, PW5 had gone to the fields to collect fodder, where his brother Sanjay (PW6) was already present. The appellant also came there. As soon as, at about 8 A.M., PW5 lodged protest in respect of filth of pigeons and advised him to confine them (pigeons) in his house, he took ill of it and in the meantime, all of a sudden, the appellant took out a knife from his dub, abused him and gave a knife blow, which hit on the lower side of his (PW5) chest. He has also caused other injuries on upper side and near the elbow of armpit of his left hand. PW5 raised an alarm, which attracted his brother Sanjay (PW6) and sister Suresh alias Sonia, who were also working in the nearby fields. They rushed to the spot. On seeing them, the appellant gave a kick blow to PW5 and fled away from the place of occurrence with his knife. Thereafter, PW5 was removed to General Hospital, Bahadurgarh, where he was medico legally examined and from there, he was referred to PGIMS Rohtak as his condition was serious. On receipt of medical writing (ruqqa) (Ex.PE), police reached the hospital, obtained the opinion of doctor with regard to condition of the injured and recorded his statement (Ex.PB), which was sent to the police station for registration of the case and it formed the basis of FIR (Ex.PB/1).

3. Narrating the sequence of events, in all, the prosecution claimed that on 11.8.1996, the appellant has attempted to murder and inflicted the pointed knife blows on the person of complainant Narender CRA No.1143 SB o

3. (PW5). In the background of these allegations and in the wake of his statement (Ex.PB), the present criminal case was registered against the appellant, by virtue of FIR No.227 dated 12.8.1996 (Ex.PB/1), on accusation of having committed the offences punishable u/ss 307, 323 and 324 IPC by the police of Police Station

Sadar Bahadurgarh, District Jhajjar as depicted here-in-above.

4. After completion of the investigation, the final police report (challan) was submitted by the police against the appellant to face the trial for the indicated offences.

5. Having completed all the codal formalities, the appellant was charged by the trial Judge for having committed an offence punishable under section 307 IPC, by way of charge sheet dated 13.1.1997. As he did not plead guilty and claimed trial, therefore, the case was slated for evidence of the prosecution.

6. The prosecution, in order to substantiate the charge framed against the appellant, examined PW1 Inspector Ram Kumar, who had only prepared the final police report (challan) in this case. PW2 Raghbir Singh, Patwari prepared the scaled site plan (Ex.PA) of the place of occurrence at the instance of PWs with its correct marginal notes. PW3 HC Om Parkash recorded the formal FIR (Ex.PB/1) on receipt of ruqqa (Ex.PB). PW4 Ram Dhan, Record keeper has produced the record with regard to treatment of PW5 and stated that he was admitted in PGIMS Rohtak on 11.8.1996 and discharged on 19.8.1996.

7. not advertng to the medical evidence, PW7 Sat Narain Indora, radiologically examined PW5 and did not find any fracture or CRA No.1143 SB o

4. other abnormality on his person. PW10 Dr. Sanjay Goja gave his opinion (Ex.PC/2) on 11.8.1996 on police request (Ex.PC) that injured Narender (PW5) was unfit to make statement, whereas PW9 Dr.Anil Sharma opined on 12.8.1996 that he was fit to make statement.

8. Sequelly, Dr.Jaibir Sharma (PW11) medico legally examined the injured (PW5), by virtue of MLR (Ex.PD) and found the following injuries on his person:- 1. A stab wound on chest just lateral to middle line on left side at the level of xypisternun. Wound was going from left to right side. Size was 2 cm x .75 cm x 5.3 cm deep. Fresh blood was oozing out. Advised x-ray and Surgeon opinion.

2. A stab wound on left hand at elbow superior side on lateral side and extending posteriorly. Size was 2.6 x 1.2 x .75 cm. Fresh blood was oozing out. Kept under

observation for bleeding.

3. A stab wound on arm pit of left hand at shoulder joint -Size was 1.2 x .75 x 1.4 cm. Fresh blood was oozing out. Kept under observation for bleeding.

4. Abrasion of right leg just above knee joint. Size was 10 x 6 cm. reddish in colour.

9. He further maintained that on 23.8.1996, on police request (Ex.PF), he gave his opinion (Ex.PF/1) that injuries No.2 and 3 on the person of PW5 were simple in nature, whereas injury No.1 was piercing internal organ of the body (liver) at superior surface. Blood was oozing out from the liver. He opined that injury No.1 was dangerous to life. After examining the knife, he also gave his opinion (Ex.PG/1) that injuries No.1 to 3 could be caused by the same knife.

10. Likewise, PW14 Dr. Ashok Bhatia deposed that on 11.8.1996, he examined PW5 and his vitals were recorded as conscious and well oriented. He operated him and exploratory laparotomy was CRA No.1143 SB o

5. done.

11. The next to note is the testimony of complainant Narinder, who while appearing as PW5, has, inter-alia, maintained that on 11.8.1996, he was going to the fields and appellant also came there. He made protest regarding filth of pigeons. Thereafter, he took out a knife from his pocket and inflicted knife injuries below his chest, left armpit and left elbow. His sister Sonia and brother Sanjay also witnessed the occurrence. The appellant also gave a kick blow on his right thigh joint and fled away. He was removed to Civil Hospital, Bahadurgarh, from there, he was referred to PGIMS Rohtak. The police recorded his statement (Ex.PB). He signed the same after admitting its correctness. PW6 Sanjay s/o Sunder Singh has also corroborated the statement of PW5 and deposed that they noticed that the appellant had inflicted three knife blows to complainant-injured. When they reached the spot, the appellant fled away after inflicting the injuries and kick blow to Narinder.

12. The last to mention are the statements of Investigating Officer and police officers. PW8 SI Balwant Singh has partly investigated the case and recorded the statement of Halqa Patwari on 30.9.1996. PW12 Ganga Ram, constable stated that on 24.8.1996, during the course of interrogation, the appellant had made disclosure statement (Ex.PH) that he had kept concealed a knife in chaff in his house in the village to his exclusive knowledge and he could get it recovered. Thereafter, in pursuance thereof, he got recovered the knife from the chaff in his house. The sketch of the knife (Ex.PJ) was prepared and the knife was taken into possession vide recovery memo (Ex.PK). In the same manner, PW13 CRA No.1143 SB o

6. Chajju Ram, ASI has duly testified his investigation and narrated the sequence of events. He further maintained that on 24.8.1996, the appellant was interrogated by him in the presence of PWs Ganga Ram constable and Sunder Singh and he made disclosure statement (Ex.PH) that he had concealed a knife in chaff in his house, none else had knowledge thereof and he could get it recovered. Thereafter, he took the appellant to Tanda Heri for recovery and he, in the presence of witnesses, took out a knife from inside the chaff in his house. He prepared the sketch of the knife (Ex.PJ) and knife was taken into possession vide recovery memo (Ex.PK).

13. After the close of the prosecution evidence, the statement of the appellant was recorded. The entire incriminating material/evidence was put to enable him to explain any circumstance appearing against him, as contemplated under section 313 Cr.PC. However, he has stoutly denied the prosecution evidence in entirety and pleaded false implication in the following manner:- I am innocent. I have been falsely implicated in this case by the police in connivance with the complainant. I was not present at the spot and I had been away to Haridawar on the relevant day to bring Kavar (pious Ganga Jal).

14. In order to substantiate his line of defence, the appellant has examined DW1 Sham Lal s/o Hukam Chand, who maintained that he along with Rakesh and other person had gone to Haridawar by bus to bring Kavar. They reached there on 5.8.1986 and on 6.8.1996, they started journey from Haridawar and reached

Bahadurgarh on 11.8.1996 at about 6.00/7.00 PM. DW2 Jai Karan s/o Ram Mehar mentioned that CRA No.1143 SB o

7. Narender was having some dispute/quarrel with the appellant on 11.8.1996 on the roof of the house of Daya Nand. He feigned ignorance about the actual cause of dispute. DW3 Suresh Devi w/o Satish Rana has admitted the incident of 11.8.1996, in which, her brother Narender sustained injuries. She has also admitted the presence of Sanjay (PW6). She reached the place of occurrence after dispute and noticed that PW5 was lying on the earth with bleeding. This is the entire evidence brought on record by the parties.

15. The trial Judge, after taking into consideration the entire evidence on record, convicted & sentenced the appellant in the manner described here-in-above.

16. The appellant did not feel satisfied and preferred the instant appeal to challenge the impugned judgment of conviction & order of sentence. That is how I am seized of the matter 17. At the very outset, the learned counsel has contended with some amount of vehemence that the appellant is not, in any way, connected with the crime in question, the Investigating Officer did not lift the blood stained earth, the identity of the place of occurrence is not established and since the evidence brought on record by the prosecution falls short as is required to prove a criminal charge, so, the trial Judge committed a legal mistake to convict him.

18. On the contrary, hailing the impugned judgment of conviction and order of sentence, the learned State counsel urged that since the trial Judge has rightly convicted and sentenced the appellant, so, no interference is warranted in this regard. CRA No.1143 SB o

8. 19. Having heard the learned counsel for the parties, having gone through the evidence on record with their valuable assistance and after bestowal of thoughts over the entire matter, to my mind, the present appeal deserves to be partly accepted in this context.

20. As is evident from the record that the appellant was nursing a grudge against PW5 as he lodged a protest in respect of filth causing inconvenience to him by his

pigeons. PW5 is an injured victim, who has suffered the injuries at the hands of the appellant. As indicated here-in- above, he has inter-alia categorically stated that on 11.8.1996, when he was going to the fields to collect the fodder, in the meantime, appellant came there. He took out a knife and inflicted injuries on his chest, armpit of left hand and kick blow on his right leg. The occurrence was witnessed by his brother Sanjay (PW6) and sister Suresh Devi (DW3). He was removed to Civil Hospital, Bahadurgarh, from there, he was referred to PGIMS Rohtak. He made his statement (Ex.PB). not only that, PW6 Sanjay has also supported the statement of PW5 and inter-alia deposed that the appellant caused injuries with the knife to complainant-injured. Instead of reproducing the statements of PW5 and PW6 in toto here and in order to avoid repetition, suffice it to say that both of them have duly corroborated the prosecution version on all vital counts as regards the specific participation of the appellant in the commission of pointed crime is concerned.

21. This is not the end of the matter. The ocular version of prosecution finds further corroboration from the medical evidence of PW11 Dr.Jaibir Sharma, who has noticed corresponding injuries on the CRA No.1143 SB o

9. person of PW5. After incident, he (PW5) was immediately removed to Civil Hospital, Bahadurgarh. From there, he was referred to PGIMS Rohtak. The matter was promptly reported to the police by the doctor. The Investigating Officer obtained the opinion of doctor on the same day that PW5 was not fit to make statement. On the next day, he obtained another medical opinion to the effect that he was fit to make and recorded his statement in this regard.

22. The mere fact that the Investigating Officer did not lift the blood stained earth from the place of occurrence, ipso facto, is not sufficient ground to infer that the incident did not take place at the spot, particularly when the identity of the place of occurrence is duly proved by the PWs and the statement of Investigating Officer, who prepared rough site plan (Ex.PM) with its correct marginal notes at the instance of PWs. The statement of Patwari is relevant as well, who has prepared the scaled site plan (Ex.PA) after inspecting the spot at the pointing of PW6 Sanjay and Suresh Devi (DW3) in this respect. Therefore, there is no dispute

about the identity of the place of occurrence, as contrary urged on behalf of the appellant. Moreover, at the most, this may be a minor lapse, inefficiency and somewhat negligence on the part of the Investigating Officer, who did not show the required interest and utilized the professional police skill to collect the blood stained earth. The prompt admission and medical examination of injured lends considerable credence to the prosecution story. The guilty person cannot possibly be allowed to escape punishment simply on account of some minor lapse on the part of Investigating Officer, especially when the prosecution version CRA No.1143 SB o

10. is otherwise duly proved by ocular, medical and documentary evidence brought on record by it as discussed here-in-above.

23. Sequently, the next cosmetic argument of learned counsel for appellant that non-examination of Suresh Devi by the prosecution and her examination as DW3 by the appellant, renders the prosecution story doubtful, again lacks merit. As mentioned here-in-above, the police has examined the complainant injured as PW5 and his statement was corroborated by PW6 Sanjay. Moreover, the prosecution is not legally required to produce each and every witness in the Court, in view of Section 134 of the Indian Evidence Act, which postulates that no particular number of witnesses shall in any case be required for the proof of any fact in issue, specially when the prosecution has examined sufficient evidence on record to prove the guilt of the appellant. No doubt, the appellant has examined Suresh Devi in his defence as DW3, but instead of supporting the defence plea of alibi, she has duly corroborated the prosecution case as regards the identity of the place of occurrence in the fields in the presence of PW6 Sanjay and the fact that Narinder (PW5) was lying on the earth with bleeding after receipt of injuries are concerned. In this manner, examination of DW3 would not come to the rescue of the appellant in this respect. Moreover, it was suggested by the appellant to PW5 that on the day of occurrence, he (PW5) went to the roof of his house to inflict injuries to him and in scuffle, he (PW5) himself sustained injuries. In other words, the presence of appellant and receipt of injuries by PW5 are admitted. On the contrary, the appellant has pleaded a contrary defence plea of alibi and produced CRA No.1143 SB o

11. evidence in support thereof.

24. Meaning thereby, the prosecution has brought on record more than sufficient, ocular, medical, documentary, convincing, acceptable and reliable evidence to prove the guilt of the appellant. PW5 and PW6 gave the vivid and consistent version of the occurrence. They supported the prosecution story on all vital counts. They were cross-examined at length but nothing substantial material could be elicited in the searching cross-examination to dislodge their testimonies and impeach their credibility. Above-all, the prosecution story is proved by ocular evidence. It finds corroboration from the medical evidence as well as indicating corresponding injuries on the person of PW5. The recovery of knife in pursuance of disclosure statement (Ex.PH) of the appellant lends more credence to the prosecution story.

25. However, the vague and contradictory defence plea of false implication and mere denial by the appellant outrightly deserves to be rejected in the absence of any cogent material on record in this context, particularly, when his participation in the commission of the crime is duly proved by reliable evidence, as described here-in-above.

26. Therefore, if the entire oral as well as medical and documentary evidence brought on record by the prosecution is put together, then, to me, the conclusion is inescapable and irresistible that it stands proved on record that the appellant has voluntarily caused and inflicted knife injuries on the person of PW5 in the same manner and at the same places as projected by the prosecution witnesses. Hence, the contrary submissions of the learned counsel for appellant *stricto sensu*. CRA No.1143 SB o

12. deserve to be and are hereby repelled under the present set of acceptable evidence and circumstances.

27. Faced with the grave situation, the learned counsel has fairly acknowledged that in view of the cogent evidence on record, he will not be in a position to contest the conviction of the appellant any more. He has no other argument/material/ground, much less cogent, to assail the prosecution version.

28. Be that as it may, ex facie, the next contention of learned counsel that if the evidence brought on record by the prosecution is believed to be true as such in its totality and in the absence of definite opinion with regard to nature (dangerous) of injury No.1 from Dr. Ashok Bhatia (PW14), who performed the surgery of PW5, even then, no offence punishable u/s 307 IPC is made out against the appellant, has considerable force.

29. It is not a matter of dispute that appellant was charge sheeted for the commission of an offence punishable u/s 307 IPC, which postulates 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 as mentioned therein.

30. The meaningful reading of this provision would reveal that in order to invoke the penal provisions of Section 307 IPC, the intention or the requisite knowledge to cause death are the essential ingredients of this section. An attempt for purpose of Section 307 IPC should stem from a specific intention to commit murder. That means, an act though sufficient in the ordinary course of nature to cause death, would not CRA No.1143 SB o

13. always constitute an offence under this Section, if the necessary intention or knowledge on the part of the accused is lacking. Thus, for the purpose of this offence, what is material, is the intention or knowledge and not the consequence of the actual act done for the purpose of carrying out that intention. Intention and knowledge being a man's state of mind, cannot possibly be proved by direct evidence thereof except through his own confession. In the absence of such a confession, intention and knowledge can only be inferred and proved by the surrounding circumstances oozing out of the evidence on record.

31. Such thus being the legal position and evidence on record, not the short and significant question, though important that, arises for determination in this appeal is, as to whether in the instant case, the appellant had the intention to cause murder of PW5 or had the requisite knowledge that his act in all probabilities, would be sufficient to cause death in the ordinary course of nature ?.

32. Having regard to the rival contentions of learned counsel for the parties, to me, the answer must obviously be in the negative as the prosecution has miserably failed to prove that the appellant had the requisite intention and knowledge to cause the murder of PW5.

33. What cannot possibly be disputed here is that there was no such serious previous enmity between the parties. It is not the case of the prosecution that appellant came to the spot with preplanning to commit the crime in question. The incident originated at the spur of the moment and that too on a trivial matter. It was PW5, who has offended him by again lodging the protest of filth of pigeons, which enraged him to inflict CRA No.1143 SB o

14. injuries. Initially, he has caused single injury on his (PW5) chest. He did not repeat the injury on any vital part of his body. However, the remaining injuries are simple in nature and on elbow & armpit of his left hand, non-vital parts of the body. No fracture was detected by the doctors. If the appellant had the requisite intention or knowledge to murder, then, he would have straightway caused and repeated the injuries with knife on his (PW5) vital organs/parts of the body.

34. To my mind, from the sequence of events narrated here-in- above, it cannot possibly be inferred that all the essential ingredients of offence u/s 307 IPC are complete. On the contrary, the same are totally lacking and completely missing in the present case for the indicated reasons. Therefore, I cannot help observing that the appellant neither had the intention to murder PW5 nor had the requisite knowledge that his act is sufficient in the ordinary course of nature to cause death.

35. There is yet another aspect of the matter, which can be viewed entirely from a different angle. As per prosecution version, the appellant caused injury No.1, which is subject matter of offence punishable u/s 307 IPC. Immediately, after the occurrence, the injured was removed to General Hospital, Bahadurgarh, where PW11 Dr.Jaibir Sharma medico legally examined him. All the injuries, except injury No.1, were simple in nature. Thereafter, he was referred to PGIMS Rohtak. Dr.Ashok Bhatia (PW14) performed the surgery on the same day and exploratory laparotomy was done with regard to injury No.1. He remained admitted in the hospital from 11.8.1996 to 19.8.1996 in PGIMS Rohtak. No doubt, on 23.8.1996,

the police moved an application (Ex.PF) CRA No.1143 SB o

15. and obtained opinion (Ex.PF/1) from Dr. Jaibir Sharma (PW11), who described injury No.1 as 'dangerous to life'. Be that as it may, but the prosecution did not obtain any specific opinion from Surgeon (PW14), who has actually performed the surgery.

36. The matter did not rest there. PW8 SI Balwant Singh, who partly investigated the case, moved an application dated 30.9.1996 (Ex.PO) for obtaining the opinion of Surgeon (PW14) with regard to nature of injury No.1, wherein PW14 opined in the following manner, by virtue of opinion (Ex.PO/1):- Patient Narender s/o Sunder Singh VPO Tanda Heri, Distt. Rohtak was admitted on 11.8.96 in surgical emergency vide CR no.951076 & MLR no.JBS/35/96 in Surgeon Ward 6/V. He was investigated and operated in emergency on 11.8.96 Operative findings were Haemoperitoneum with liver tear which was repaired. He remained admitted in ward & was discharged on 19.8.96.

37. Meaning thereby, PW14, who performed the operation, was the most important, material & relevant witness, who could accurately opine with regard to nature (dangerous) of injury No.1 on the person of PW5. He (PW14) did not opine at any point of time that injury No.1 on his person was dangerous to life. In that eventuality, the vague opinion with regard to nature (dangerous) of injury No.1 by PW11 Dr.Jaibir Sharma pales into insignificance. The prosecution has omitted to obtain the opinion of the relevant Surgeon (PW14), which casts a serious doubt on its version. That means, the prosecution has withheld the best possible and relevant evidence, for the reasons best known to it. In that eventuality, an adverse inference is inevitable against it in this regard.

38. Moreover, the vague opinion dangerous to life. given by CRA No.1143 SB o

16. Dr. Jaibir Sharma (PW11), would be equivalent to endangering life. and such acts squarely covered within the ambit of clause Eighthly of Section 320 IPC, which is punishable under Section 326 IPC. The distinction between the words dangerous to life. and endangering life. came to be determined by a Division Bench of this Court in Atma Singh v. The State of Punjab, 1982(2) CLR 49.and it

was held as under:- Held, that the expression 'dangerous' is an adjective and the expression 'endanger' is verb. An injury which can put life in immediate danger of death would be an injury which can be termed as 'dangerous to life' and, therefore, when a doctor describes an injury as 'dangerous to life', he means an injury which endangers life in term of clause 8 of Section 320, Indian Penal Code, for, it describes the injury 'dangerous to life' only for the purpose of the said clause. He instead of using the expression that this was an injury which 'endangered life' described it as 'dangerous to life', meaning both the time the same thing..

39. Sequelly, the same view was expressed by this Court in cases Tej Ram v. The State of Punjab, 1978 (6) CLR, 76 and State of Punjab v. Tara Singh, 1987(1) Recent Criminal Reports (Criminal) 184 and it was ruled that injury described by the doctor as 'dangerous to life' and if not treated i.e. to say that but for timely and medical aid the injured was likely to die. Such type of injury/opinion is not the type of the injury as would attract the provisions of Section 307 IPC, which envisages an injury sufficient in the ordinary course of nature to cause death and such injury would fall within the ambit of clause Eighthly of Section 320 IPC and would be punishable under Section 326 IPC and in view of such opinion, charge under Section 307 IPC cannot legally be sustained. The ratio of law laid down in the aforesaid judgments mutatis-mutandis. is applicable to the facts of this case and is the complete answer to the CRA No.1143 SB o

17. problem in hand.

40. Therefore, it is held that appellant-Rakesh did not attempt to commit murder of PW5, but he only intended to and caused the grievous injury. He cannot possibly be held guilty of an attempt to murder with the offence prescribed under Section 307 IPC. The indicated act of appellant squarely falls within the ambit of clause Eighthly of Section 320 IPC, which is punishable under Section 326 IPC. To this extent, the trial court appears to have gone legally wrong in this relevant direction. Consequently, he is acquitted of the charge framed against him u/s 307 IPC. At the same time, he is held guilty and is hereby convicted u/s 326 IPC.

41. Again, it is not a matter of dispute that the appellant has already undergone rigorous imprisonment for a period of two years and three months and is ready to

compensate complainant injured Narinder (PW5), in lieu of his injuries in terms of money. He has already suffered the agony of protracted trial for the last about 17 years. The appellant and victim belong to the same village. To my mind, ends of justice would squarely be met and sub-served, if the appellant is sentenced to the period already undergone by him and if he is directed to pay some compensation in this respect.

42. In the light of aforesaid reasons, the instant appeal is partly accepted. The conviction of appellant u/s 307 IPC is set aside. At the same time, he is held guilty and is hereby convicted for the offence punishable u/s 326 IPC. He is sentenced to undergo RI for a period of 2 years and 3 months (already undergone by him). He is also directed to CRA No.1143 SB o

18. pay a sum of Rs.20,000/- more as compensation to be paid to PW5 Narinder, in lieu of his injuries within a period of three months, in addition to the amount of fine already awarded by the trial Court. However, the order of sentence of fine is maintained. Consequently, the impugned judgment of conviction and order of sentence are accordingly modified to the extent and in the manner depicted herein-above.

43. However, it is made clear that the sentence of two years awarded by the trial Court to the appellant u/s 25 of the Arms Act in a separate connected case arising out of the same transaction shall run concurrently with the sentence of the present case. Needless to say, the necessary compliance and procedural consequences would follow. (Mehinder Singh Sullar) Judge 11.7.2013 AS Whether to be referred to reporter?. Yes/No

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