

Ved Pal Vs. State of U.P.

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Court : Supreme Court of India

Decided On : Mar-31-1987

Reported in : 1987Supp(1)SCC596

Judge : A.P. Sen and; v. Balakrishnan Eradi, JJ.

Acts : [Indian Penal Code \(IPC\), \(IPC\) 1860](#) - Sections 307, 324

Appeal No. : Criminal Appeal No. 294 of 1978

Appellant : Ved Pal

Respondent : State of U.P.

Disposition : Appeal Dismissed

Judgement :

A.P. Sen and; v. Balakrishnan Eradi, JJ.

1. After hearing learned counsel for the parties, we find it rather difficult to sustain the judgment of the High Court convicting the appellant for having committed an offence punishable under Section 307 of the Indian Penal Code, 1860 when he should, on the facts and circumstances brought out, have been convicted under Section 324. Although the learned Sessions Judge as well as the High Court were right in relying upon the testimony of PW 2 Sobaran Singh, the victim of the assault, showing that it was the appellant and no one else who shot him with his

gun, the fact remains that the injuries caused to him were of a superficial nature. The deposition of PW 4 Dr P.S. Yadav shows that he examined Sobaran Singh on the same day and found that he had two pellet injuries, one on the right eyebrow and the other on the shoulder, both of which were of a superficial nature. His evidence does not suggest that the injuries were of such a nature as were likely to cause death. We accordingly alter the conviction of the appellant Ved Pal from under Section 307 of the Indian Penal Code to one under Section 324. He is sentenced to undergo rigorous imprisonment for one year.

2. Subject to this modification, the appeal is dismissed. Bail bonds of the appellant will stand cancelled and he be taken into custody forthwith to serve out the remaining part of the sentence.

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