

**Man Singh, Vs. State**

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**Court :** Delhi

**Decided On :** May-15-1979

**Reported in :** 16(1979)DLT70

**Judge :** V.D. Misra and; F.S. Gill, JJ.

**Acts :** [Indian Penal code, 1860](#) - Sections 31, 149 and 326

**Appeal No. :** Criminal Appeal Nos 333 , 259 , 249 of 1976

**Appellant :** Man Singh, ; Prem, ;bale and ors

**Respondent :** State

**Advocate for Pet/Ap. :** D.R. Sehgal,; D.R. Sethi,; P.P. Grover and;

**Judgement :**

**F.S. Gill, J.**

(1) There are five appellants in these three appeals Nos. 249, 259 and 333 of 1976. All of them were tried together. Two separate appeals have been filed by Man Singh and Prem, while the third one has been jointly filed by Bale, Madan Lal and Amar Nath. All the appellants were convicted by Shri B. B. Gupta, Additional Sessions Judge, Delhi on 15.6.1976 and were sentenced to various terms of imprisonment as stated below.

1. Under section 302/149 Indian Penal Code Imprisonment for life. 2. Under Section 307/149 of the Indian Penal Code R.I. for five years 3. Under Section 323/149 of the Indian Penal Code R.I. for six months. 4. Under Section 147 of the Indian Penal Code R.I. for one year. 5. Under Section 148 Indian Penal Code R.I. for one year.

(2) Prem and Man Singh appellants were also convicted under section 27 read with section 25 of the Arms Act and were sentenced to imprisonment for a period of one year each.

(3) All the sentences awarded under various counts were, however, ordered to run concurrently.

(4) Prem, Madan Lal and Amar Nath appellants are sons of Bale appellant. The fifth appellant, namely, Man Singh is the son-in-law of Bale. So all of them are very closely related to each other.

(5) On the other hand Nathu Ram complainant is the brother of Chandu Lal deceased. Padam Singh Public Witness Public Witness is son of Nathu Ram. Both Nathu Ram and Padam Singh were also injured in the present occurrence.

(6) The houses of the parties are opposite to each other. Only a narrow lane, which is hardly three or four feet wide, intervenes.

(7) The prosecution case is that on 5.11.75 at about noon Chandu Lal (deceased) and Prem appellants had an altercation at a well near their houses. It is alleged that Prem had administered a danda blow on Chandu Lal's head. In retaliation Chandu had also given beatings to Prem. It is alleged that Nathu Ram, brother of Chandu Lal, had intervened and separated these persons. Both of them then went back to their houses. This incident was, however, not reported to the police.

(8) On the same day at about 8 or 8.30 P.M. Chandu Lal was present in his house. At the same time Bale, his three sons, Prem, Madan and Amar Nath. and also his son-in-law, Man Singh, were also sitting in their courtyard.

IT is alleged that all these five persons started abusing Chandu Lal and complained that his people had beaten Prem, when he was all alone and that they would see to them all. At that juncture i.e. when threats were being held out to Chandu Lal, Nathu Ram, brother of Chandu Lal, who was also living in the upper portion of the same house, came downstairs. Meanwhile, Padam Singh son of Nathu also reached there. Chandu Lal asked Bale and others not to abuse them. It is alleged that Bale retorted by shouting that they would avenge the earlier incident.

(9) Thereafter all the five appellants went to the courtyard of the house of Chandu Lal and Nathu Ram. Prem appellant, who was armed with a danda', entered first; while the remaining appellants followed him. Immediately on entering. Prem gave a 'danda' blow on Nathu's head. It is alleged that then Prem, in a threatening tone, exhorted his companions to catch hold of Nathu and others. The actual words used were 'Salon ko pakar lo.' It is alleged that thereafter Bale caught hold of Chandu by his neck, while Madan Lal and Amar Nath then dragged him to their own courtyard. Immediately thereafter. Man Singh appellant stabbed him with a 'chura', which struck him on the left side of his chest Prem appellant also gave a 'chura' blow to Chandu Lal causing minor injuries. On receiving these blows Chandu fell on the ground and started bleeding profusely. Thereafter Prem and Man Singh set towards Padam Singh son of Nathu Ram and gave him 'chura' blows hitting his right portions of the ribs and chest. Padam Singh also could not stand the impact of those injuries. He pressed them with his hands and sat down there,. It is alleged that the entire incident was witnessed by Smt. Sharan Devi wife of Nathu Ram, Smt. Kunta Devi wife of Chadu Lal, Ram Pal, Dharam Singh and others.

(10) After causing the various injuries all the appellants ran away from the spot. Police Control Room was informed. It communicated the message to its van staff and also to the Kashmere Gate Police.

(11) Firstly of all the Police Control Room van reached the venue of the occurrence. The injured were immediately removed to Irwin Hospital. Chandu Lal succumbed to the injuries in the way. The Doctor declared him dead. The Doctor

admitted Padam Singh injured but noted that he was not fit to make any statement. Nathu Ram was, however, rendered the requisite medical aid, but was discharged after his injuries were bandaged.

(12) Inspector Barkat Ram of Kashmere Gate Police was deputed to investigate into the matter. He immediately reached the hospital and recorded the statement of Nathu Ram there. The said statement is Ex. Public Witness PW1/A. It was sent to the Police Station at 10.25 P.M. for the registration of a case. On its basis F.I.R.Ex.PW15/A was recorded under sections 302/307/147/148/149 of the Indian Penal Code

(13) Thereafter the Investigating Officer reached the spot and took into possession various articles from there. He also prepared the inquest report and sent the dead body for examination. The post-mortem examination was performed by Dr 'Bishnu Kumar on 6.11.75 at 2.10 P.M. The following injuries were found on the deadbody:-

1. Incised wound 0.3x0.1 cm on the top of head in mid line in mid parietal region x partial scalp thickness deep.
2. Incised wound 1.0 cm in the left outer parietal region 6.5 cm above left ear x partial scalp thickness deep.
3. Abrasion 0.3x0.2 cm just above right eye brow middle region,
4. Abrasion 0.2x 0.2 cm on the inner and on left eye brow.
5. Abrasion 2.05 cm over right cheek bone prominence.
6. Multiple small abrasions-scatches as if caused by nails on the right side of neck and anterior lateral surface in 5x4 cm area and a few of them are crescentic in shape.
7. Multiple small abrasions scatches as if caused by nails on the left anterior lateral surface of neck in 6x4 cm area and two of these showed very distinct crescentic shape.

8. Abrasion 2x0.5 cm on the back and upper part of right shoulder joint region.

9. Abrasions 0.3 x 0.2 cm on the inner side on left elbow region.

10. Abrasion 1.3 x 1.00 cm in the outer upper part of left shoulder joint region.

11. Incised punctured wound 3.1 x 1.5 cm somewhat transverse on the left side front of chest with outer end being in the left anterior axillary line and 8 cm below anterior axillary fold in fourth inter costal space and chest cavity deep. It was directed medially, upwards and backwards slightly.

12. Linear abrasion as if caused by a pointed object, transverse 4 x 0.2 cm just below left nipple 2 cm from it.

13. Superficial incised wound 0.7x0.3 cm on the left side front of chest 2 cm above and inside left nipple.

14. Linear abrasion as if caused by a pointed object 8 x 0.1 cm transversely oblique on the right side front of chest over 4th and 5th ribs region below nipple.

Injuries Nos. 3,4,5,8,9, and 10 were stated to have been caused by some blunt object or surface; injuries Nos. 6 and 7 had been caused by hands, while the rest by sharp single edged weapon. Injury No. 11 was held to be sufficient to cause death in the ordinary course of nature. It was further opined by the Doctor that injuries Nos. 1,2,11,12,13 and 14 could be caused by knife Ex. p. 6 and that these injuries excepting injury No. 14 could also be caused by 'chura' Ex P4.

(14) All the five appellants were arrested by Inspector Barkat Ram. They were got medically examined. Some minor injuries were found on their persons. When Prem appellant was arrested his personal search was effected and 'chura' like knife EX. P. 6 recovered from him. It was taken into possession by preparing a recovery memo. Further, during the course of interrogation Man Singh appellant had made disclosure statement EX.PW9/E stating that he could get the 'chura' recovered from the house of Bale. At his instance 'Chura' EX.P4 was recovered from the place stated by him. It was also taken into possession by preparing a recovery memo.

(15) After the completion of the investigation, the appellants were challaned in the court of a Magistrate, who committed them to Sessions. The learned Additional Sessions Judge convicted and sentenced them as already indicated in para 1 *ibid*.

(16) The charges against all the appellants are under sections 302, 307 and 323 read with section 149 and also under sections 147 and 148 of the Indian Penal Code. The elements of unlawful assembly have necessarily to be present in all these offences. To constitute an unlawful assembly there must be five or more persons? having one of the specified objects described in section 141 of the I.P.C. as their common object.

(17) In the present case the number of persons involved has been proved to be five. This fact has not been seriously challenged on behalf of the appellants. The divergent views expressed by the parties before us are, however, about the 'common object'. According to all the three counsel appearing on behalf of the appellants the common object of their clients, at the most, was to assault the members of the other party. It was nothing beyond this. But, on the other hand, the State Counsel's plea is that an unlawful assembly was formed at the spot, and that its common object was to commit simple assault on Nathu Ram and murderous assaults on Chandu Lal and Padam Singh. It was in pursuance of this common object of the unlawful assembly that injuries were caused to Nathu Ram, Chandu Lal and Padam Singh. As a result of those injuries Chandu Lal died, while Padam Singh was lucky to survive. Nathu Ram got simple hurt. We will now see the force of arguments of both the sides in this regard.

(18) So far as the formation of an unlawful assembly is concerned, it is amply proved from the statements of Nathu Ram, Padam Singh, Saran Devi, Kunta Devi, Rampal and Dharam Singh Public Witness PWs. Their evidence shows that after there has been exchange of hot words, all the appellants had gone to the courtyard of the house of Chandu Lal. At that time only Prem was armed with a lathi. It has already been pointed out earlier that the houses of both the parties face each other and that a very narrow lane, three or four feet in width, separates them. The courtyards of both the parties are also very small. So, virtually they were quite close to each other when tempers were high and excited. The

appellants had gone to house of Chandu Lal they had any weapon excepting a lathi with Prem. After entering the courtyard Prem had given a lathi blow to Nathu Ram on his head. It was a simple injury. None of the appellants had shouted or otherwise proclaimed to kill anyone. From the statements of the eye witnesses, it can safely be concluded that the common object of the appellants, when they had formed the unlawful assembly, was to cause simple hurt and not to cause the death of Chandu Lal or Padam Singh. Nothing has been argued on behalf of the appellants to dissuade us from arriving at this conclusion from the evidence on record. Thus a charge under section 147 of the Indian Penal Code with regard to the formation Of an unlawful assembly having the common object of causing simple hurt is proved against all the appellants.

(19) The appellants have also been found guilty under section 148 of the Indian Penal Code It is contended on behalf of the appellants that conviction of these persons under this charge is not sustainable. In this connection we may Observe that for constituting an offence under section 148, in addition to the ingredients of section 147, the prosecution has also to prove that the accused were armed with deadly weapons or with something which were likely to cause death, when used as weapons of offence. Let us examine the evidence with these points in view.

(20) The evidence in this case shows that when all the appellants had gone to the courtyard of the deceased and his brother only Prem was armed with a stick, others were empty handed. There, Prem had administered a blow with his slick on Nathu Ram's head, resulting in simple hurt. No injury was caused to Chandu Lal deceased when he was in his own courtyard.' He was, however, latter dragged from there and taken to the courtyard of the appellants. Thus no member of the unlawful assembly was armed with a deadly weapon. Consequently, charge under section 148 of the Indian Penal Code is not established. All the appellants are, therefore, entitled to acquittal qua this charge.

(21) Next we come to section 149 of the Indian Penal Code , which creates vicarious liability of the members of the unlawful assembly. This provision fastens every inember of an unlawFul assembly with the responsibility for an offence committed by another member or members in prosecution of the common object

of such an assembly, or the one that was likely to be committed in the prosecution of such common object. It is significant that the commission of the offence has to be in prosecution of the common object of the assembly as distinguished from 'during' the prosecution of the common object assembly. In other words the offence must have an immediate and direct connection with the accomplishment of the common object of the unlawful assembly.,

(22) the common object has to be adopted by the unlawful assembly before the commencement of the fight. It therefore follows that if one or more members of the unlawful assembly act beyond the ambit of the common object of such assembly, all its members cannot be held liable for the offence or offences committed by such members. The act has necessarily to be in the prosecution of the common object of the unlawful assembly. This legal position has been unhesitatingly admitted by the counsel for both the sides.

(23) Now we advert to the facts of the present case. The scrutiny of the entire evidence shows that the common object of the unlawful assembly had never developed to cause the death of Chandu Lal or that of Padam Singh. This is evident from the sequence of events appearing in the statement of Nathu Ram, Padam Singh and other eye witnesses. So such so, in his statement Nathu Ram, who is also the maker of the F.I.R., has categorically stated that when Man Singh had taken out a (churi) and had caused the injuries to Chandu Lal, 'everyone got surprised that from where he had taken the churi'. This sufficiently demonstrates that it was never the common object of the assembly to cause death of Chandu Lal or that of Padam Singh. Clearly the common object of the unlawful assembly was only to the extent of and not beyond causing simple hurt.

(24) So the charges (under section 149 of the Indian Penal Code) for the vicarious liability for the murder of Chandu Lal or attempt to murder Padam Singh must fail as the commission of these offences had never developed as the common object of the unlawful assembly. These charges of murder and attempt to murder against Bale, Madap and Amar Nath can justifiably be wiped out as these three appellants did not have even the remotest connection with these offences for holding them constructively liable.

(25) The cases of the remaining two appellants, namely, Man Singh and Prem, are, however, on a different footing. Their inculcation requires further probe in the light of the evidence on record.

(26) It is contended by the learned counsel for the State that Chandu Lal had died as a result of the injuries caused by Man Singh and Prem with the chura and 'churi' like knife respectively. It is submitted that both of them had the common intention to murder Chandu Lal and Padam Singh and that in furtherance of the said intention they had caused the injuries to both of them. As a result of those injuries Chandu Lal had died, while Padam Singh was fortunate to survive. We will take up the case of Padam Singh a little later. For the present we will confine ourselves to the charge about the murder of Chandu Lal.

(27) We have already held earlier that it was never the common object of the unlawful assembly to cause the death of Chandu Lal. It has now to be seen how far the argument of the State counsel to hold Man Singh and Prem guilty under section 302/34 of the Indian Penal Code for Chandu Lal's death can succeed.

(28) Before dealing with the question of joint criminal liability, for which these two appellants can be held responsible, we would like to state the principles governing such liability within the contemplation of section 34 of the I.P.C. This section envisages only a rule of evidence. It does not create a distinct or substantive offence. The leading features of this provision are common intention and the element of participation in action. The criminal act has to be in furtherance of the common intention.

(29) It is well settled that common intention as contemplated by s 34 has to be anterior in time to the commission of the crime. It implies a prearranged plan and the existence of prior concert. It may, in the circumstances of a particular case, develop in the course of events, though it might not be present in the beginning of the unlawful act. Thus a finding with regard to the pre-requisite, viz ; furtherance of the common intention, is essential before a person can be held guilty under sec. 34 of the Indian Penal Code

(30) Now we proceed to appraise the evidence of this case to find out the extent of criminal liability of Man Singh and Prem appellants about the murder of Chandu Lal.

(31) According to the statement of Nathu Ram and other eye witnesses Man Singh had, all of a sudden, taken out a 'chura' and caused the stabwound to Chandu Lal. In his cross-examination, Nathu Ram has categorically stated.

'MANSingh had a churi with him and taking it out, he caused the injuries when I saw him causing injuries. At once. Man Singh took out the churi and every one got surprised that from where he had taken the churi. We had no time to save Chandu.'

Dharam Singh Public Witness Public Witness 9, another eye witness has also deposed that :-

'THENBale caught hold of Chandu by 'Gireban' and Madan and Amar catching hold of his arms dragged him into the courtyard of their house. Man Singh then stabbed Chandu with the knife on the left side, while Prem stabbed him on the right side.'

This witness is an Assistant-Grade I in Food Corporation of India. He is a neighbour of Nathu Ram Public Witness PW. His house number is 3742, while that of Nathu Ram is 3741. In the circumstances Dharam Singh is a natural witness. His name also appears in the F.I.R. which had been recorded with utmost promptitude.

(32) Shri Sehgal, the learned counsel for Man Singh appellant has very vehemently argued that Dharam Singh Public Witness Public Witness 9 is not a truthful witness as from his own house (No. 3742); he could not witness the occurrence, which was taking place in the courtyard of the deceased. He has canvassed that wall Ab, as indicated in the site plan EXPW18/A, obstructs the view. We do not find any force in this contention for two obvious reasons. Firstly, quite a substantial part of the front portion of the courtyard of the deceased is open as there is no wall there. Secondly, Dharam Singh was not a stationary object. He

could easily move from one place to the other to watch the incident from any angle.

(33) Padam Singh Public Witness Public Witness 5 is an injured witness. He has stated that bids uncle Chandu Lal had been dragged by the appellants into their courtyard. As soon as he was taken there, Man Singh had taken out his knife and stabbed Chandu Lal. This witness has, no doubt, attributed the first stab injury to Man Singh, but. he has not sated the seat of the injury. To the same effect are the statements of Ram Pal Public Witness Public Witness 6 (a neighbour) and Shrimati Saran Devi Public Witness Public Witness 8 (wife of Nalhu Ram). They too have expressly stated about giving of the first 'chura' below by Man Singh to Chandu deceased, but they have not mentioned the seat of the injury. Kunta Devi (Public Witness 7) is the widow of Chandu Lal. She has deposed that Amar and Madan Lal had caught hold of her husband from two sides and had dragged him into their courtyard. She has further stated that immediately thereafter Man Singh had stabbed him on the right side of the stomach, while Prem had also stabbsd him on the right side of his stomach. It is significant to observe that this witness has also corroborated all the other eye witnesses on the important point that the first 'chura' blow was administered to the deceased by Man Singh appellant. The discrepancy is only about the seat of the injury. She has stated that the blow had struck on the right side of her husband's stomach, while the subsequent blow given by Prem had also hit the same part. According to her, no blow was given on the left side of the chest. This is not factually correct. We feel that this witness, being the wife of the victimi must have been perplexed and unhinged with the course of events, which had suddenly developred and had engulfed her own husband. The medical evidence shows that there was only one simple injury on the right side of the chest ofthe deceased. It was a linear abrasion 8 x 0.1 cm transversly oblique. (e f. injury No. 14)

(34) In our view Kunta Davi's statement with regard to the place of the injury can reasnably be ignored, especially when there is an overwhelming evidence of the other eye witnesses to prove that the fatal stab wound (injury No. 11) on the left side front of the chest had been given by Man Singh appellant alone.

(35) It has been argued on behalf of the State that for causing the death of Chandu Lal both Man Singh and Prem Singh had the common intention and that such an intention had developed at the time of causing the injuries. A close scrutiny of the evidence does not show that any such common intention had developed at any stage. From the evidence we notice that when Prem had gone to the house of the deceased along with others he was armed with a lathi only. He had not caused any injury to the deceased, as the lathi blow administered by him was to Nathu Ram alone. Thereafter Chandu Lal was dragged from his own house to that of the appellants.

(36) In their own courtyard, Man Singh had abruptly taken out the 'chura' and had given the fatal blow to Chandu Lal on the left side of his chest. This injury has been mentioned earlier at No. 11. Dr. Bishnu Kumar PW2, who had performed the post-mortem examination, has further elaborated this injury as under :-

'INJURY No. 11 entered the chest cavity through 4th inter costal ' (left), went through the left upper lobe of lung. Came out at its hilum where it cut the bronchial vessels and then entered the left auricle recess. The total depth of this injury in lung tissue was 6.5 cm while the total depth of the injury from skin up to the finish was 8.9 cm, Lung showed injury as mentioned above and the entrance wound measured 2.06 cm and exit wound 2.3 cm. Left lung was partially collapsed and blood approximately 1.5 to 2 litres was present in the left chest cavity. Left auricle of the heart showed a small cut 0.6 cm in its appendage.'

(37) On the other hand, the injuries caused by Prem to the deceased were simple in nature. Community of design on the part of Man Singh and Prem to murder Chandu Lal has not been established. There is not evidence to show any kind of exhortation or raising of lalkara' on the part of Prem, at any state, prompting Man Singh to cause the injuries. It is also not stated by any of the witnesses that Prem had caught hold of the deceased when Man Singh had given the fatal injury.

(38) As already pointed out earlier, Prem had only a lathi with him when all the five had gone to the courtyard of Chandu Lal. The distance between the two houses is very small. As soon as Chandu Lal was brought to the appellants' house, Man Singh had immediately taken out the 'chura' and caused the injury. There was

never meeting of minds to cause the death. In our view both Man Singh and Prem had never developed a common intention to murder Chandu Lal. Section 34 of the Indian Penal Code has, therefore, no application. Thus each one is liable for his individual act and not for any vicarious liability.

(39) The injuries caused by Prem to Chandu Lal were simple in nature. (c.f. statement of Dr. Bishnu Kumar). This appellant is, therefore, merely liable under section 324 of the Indian Penal Code for voluntarily causing simple hurt to Chandu Lal with a sharp edged weapon.

(40) So far as Man Singh is concerned, he had given the fatal blow on the vital part of the body of the deceased. Injury No. 11, already described in detail, was caused by this appellant. The doctor has stated that this injury was sufficient in the ordinary course of nature to cause death. The act of Man Singh thus fully falls under clause 'thirdly' of section 300 of the Indian Penal Code. The charge of murder against this appellant is, therefore, abundantly proved by the statements of Nathu Ram, Dharam Singh and other eye witnesses. Man Singh's conviction under section 302/149 of the Indian Penal Code is accordingly converted to one under section 302 of the Indian Penal Code.

(41) There is also a charge under section 307 read with section 149 of the Indian Penal Code against all the appellants for attempting to murder Padam Singh. It has already been held that it was never the common object of the unlawful assembly to murder Padam Singh. So the charge under section 149 of the Indian Penal Code for causing injuries to Padam Singh cannot be sustained. Bale, Madan Lal and Amar Nath had not caused any injury to Padam Singh. They are, therefore, absolved of any direct or constructive liability and deserve to be acquitted.

(42) The next question is about the liability of the remaining two appellants namely, Man Singh and Prem, as, according to the prosecution witnesses, both of them had caused injuries to Padam Singh. Dr. Gopal Narain Kauri, Public Witness Public Witness 20 had examined Padam Singh as soon as he was admitted in the Hospital on 5.11.75. He had found the following injuries on his person:-

1. Stab wound 1' x 1/2' x? just medial to right nipple.'
2. Small cut in scalp.
3. Linear abrasion about 2' long on the right side in axillary line.
4. Stab wound right side chest.

The medico legal report is EX. Public Witness PW20/A. The nature of the injuries was not given by this doctor. These injuries were later examined by Dr. Pramod Pershad Public Witness Public Witness 28 on 17.11.1975. He has deposed that he had examined Padam Singh, whose medico legal certificate is EX. Public Witness Public Witness 20/A and had assessed his injury as grievous. This he had indicated at point X in green ink on the said certificate. Which of the four injuries was grievous in nature, has not been stated by Dr. Pershad.

(43) The eye witnesses have also not stated as to which injury was caused by Man Singh and which by Prem appellant. It is also not proved that any common intention had developed in the minds of these two appellants at any time to murder Padam Singh. In the absence of any such intention they cannot be held jointly liable for the various injuries caused to Padam Singh. They will, therefore, be responsible for their individual acts.

(44) No doubt the medico-legal report shows that one of the injuries caused to Padam Singh was grievous in nature but who had caused the same is not proved on record. In the circumstances neither of the appellants can be convicted under section 326 of the Indian Penal Code, (see In re ; 1. Palaniswami Goundanand others. : AIR1940 Mad586 and Taneshwar Sahi and others v. State of Uttar Pradesh : 1976 CriLJ6 ). Thus both Man Singh and Prem are liable for causing simple hurt only with a sharp weapon. We accordingly alter their conviction from one under section 307/149, Penal Code, to that one under section 324 of the Indian Penal Code

(45) Man Singh and Prem appellant have also been convicted and sentenced under the Arms Act. The eye witnesses have stated that Man Singh was in possession of a 'chura', while Prem had a 'chari' like a knife, when they had

caused injuries to Chandu Lal and Padam Singh. Ram Pal PV6 and Rattan Lal Public Witness PW10 have deposed that knife Ex. P6 was recovered from the personal search of Prem when he was arrested by the police on the evening of 6.11.65. Inspector Barkat Ram Public Witness PW29, who had effected the search has fully corroborated this fact. Similarly the recovery of 'chura' EX. P4 at the instance of Man Singh appellant is proved by the statements of Rattan Lal and Inspector Barkat Ram Public Witness PWs. The trial court was thus fully justified in holding Man Singh and Prem guilty under section 27 read with section 25 of the Arms Act. We maintain their convictions and sentences. The result of the above discussion is that .-

1.Convictions of all the appellants under section 147 of the Indian Penal Code are maintained, but their sentences are reduced to a period of six months each.

2.All the appellants are acquitted of the charge under section 148 of the Indian Penal Code Their convictions and sentences under this count are set aside.

3.The convictions and sentences of all the appellants under section 323/149 of the Indian Penal Code for causing simple hurt to Nathu Ramas members of the unlawful assembly are confirmed.

4.(A)Man Singh appellant is held guilty under sec. 302 of the Indian Penal Code for committing the murder of Chandu Lal. His imprisonment for life, as passed by the trial court, is maintained. (b) Prem appellant is acquitted of the charge under section 302/149 of the Indian Penal Code , but is convicted under section 324 of the Indian Penal Code for causing simple hurt to Chandu Lal deceased and is sentenced to undergo R.I. for a period of two years. (e) Bale, Madan Lal and Amar Nath appellants are acquitted of the charges under section 302/149 of the Indian Penal Code Their convictions and sentences are set aside.

5.(a) Bale, Madan Lal and Amar Nath appellants are acquitted of the charges under section 307/149 of the Indian Penal Code for attempting to commit the murder of Padam Singh. Their convictions and sentences are set-aside. (b) Convictions of Man Singh and Prem awarded under section 307/149 of the Indian Penal Code are converted to one under section 324 of the Indian Penal Code and

are sentenced to R.I. for a period of two years each.

6.Convictions and sentences of Man Singh and Prem appellants passed by the trial court under the Arms Act are affirmed. All the sentences of the appellants, passed under various counts, shall run concurrently. The appeals are partly allowed in the above terms.

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