



2026:CGHC:300-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 393 of 2025

- Vikas Singh Chandra S/o Budheshwar Singh Chandra Aged About 39 Years R/o Kosir Gautiyapara, Police Station- Kosir, District- Sarangarh-Bilaigarh (C.G.)

... Appellant(s)

versus

1. State Of Chhattisgarh Through- Station House Officer, Police, Station- Kosir, District- Sarangarh-Bilaigarh (C.G.)
2. Keshav Kumar Chandra S/o Late Lakhan Lal Chandra Aged About 61 Years R/o Village- Kosir (Gountiyapara), Police Station- Kosir, District- Sarangarh-Bilaigarh (C.G.)
3. Vinay Kumar Chandra S/o Keshav Kumar Chandra Aged About 30 Years R/o Village- Kosir (Gountiyapara), Police Station- Kosir, District- Sarangarh-Bilaigarh (C.G.)
4. Bhupendra Kumar @ Bholu Chandra S/o Keshav Kumar Chandra Aged About 25 Years R/o Village- Kosir (Gountiyapara), Police Station- Kosir, District- Sarangarh-Bilaigarh Chhattisgarh

--- Respondents

CRA No. 1799 of 2024

- Bhupendra Kumar @ Bholu S/o Keshav Kumar Aged About 25 Years R/o Village - Kosir (Gotiyapara), Police Station - Kosir, Tahsil - Sarangarh, District - Sarangarh - Bilaigarh (C.G.)

--Appellant(s)

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Kosir Tahsil Sarangarh, District -Sarangarh Bilaigarh (C.G.)

--- Respondent(s)

CRA No. 1793 of 2024

1. Keshav Kumar S/o Late Lakhan Lal Chandra Aged About 62 Years R/o Village Kosir (Gotiyapara), Police Station- Kosir, Tahsil- Sarangarh, District : Sarangarh-Bilaigarh, Chhattisgarh

2. Vinay Kumar S/o Keshav Kumar Chandra Aged About 31 Years R/o Village Kosir (Gotiyapara), Police Station- Kosir, Tahsil- Sarangarh, District : Sarangarh-Bilaigarh, Chhattisgarh

---Appellant(s)

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kosir, Tahsil Sarangarh, District : Sarangarh-Bilaigarh, Chhattisgarh

--- Respondent(s)

In ACQA 393/2025

For Appellant

: Mr. Virendra Verma, Advo-

For State

: cate

Mr. Nitansh Jaiswal, Dy. G.A.

In CRA Nos. 1793/2025 & 1799/2024

For Appellant

: Mr. Rajeev Shrivastava, Sr.

For State

: Advocate along with Mr.

Malay Shrivastava, Advocate

Mr. Nitansh Jaiswal, Dy. G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Arvind Kumar Verma, Judge

Judgment on Board

Per, Arvind Kumar Verma, Judge

05/01/2026

Heard Mr. Virendra Verma, learned counsel for the appellant in ACQA No. 393/2025 and Mr. Rajeev Shrivastava, Sr. Advocate along with Mr. Malay Shrivastava, learned counsel for appellants in CRA Nos. 1793/2025 & 1799/2024 and Mr. Nitansh Jaiswal, learned P.L. for the State.

1. Since the Acquittal Appeal No. 393 of 2025 filed on behalf of the appellant/injured and CRA Nos. 1793/2025 & 1799/2024 filed by the appellants/accused arise out of same impugned judgment, they are heard together and are being disposed of by this common judgment.
2. Acquittal Appeal has been filed by the Appellant challenging the legality, validity and propriety of judgment dated 19.09.2024 passed by the

learned Additional Sessions Judge, Sarangarh, District Sarangarh- Bilaigarh C.G. in Sessions Trial No. 87/2023 whereby the learned Sessions Judge has wrongly acquitted the accused persons from the charges under Sections 506, 294, 352 of IPC and convicted the accused Bhupendra Kumar @ Bholu for the offence under Section 448, 323 and 304 Part-II and other accused Keshav Kumar Chandra and Vinay Kumar Chandra under Section 448, 323 and 323 of IPC instead of 302/34 of IPC and therefore, all the accused persons are liable to be punished for life imprisonment and other sentences for the offence punishable under Section 452, 325/34, 506, 294, 352, 302 of IPC for commission of assault to the injured persons Triyugi Narayan Chandra and Vikas Chandra and one of them namely Triyugi Narayan Chandra died subsequently.

3. This criminal appeals bearing No. 1793/2025 & 1799/2024 preferred under Section 415 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short BNSS, 2023) is against impugned judgment of conviction and order of sentence dated 19.09.2024 passed in Sessions Trial No. 87/2023 by the learned Additional Sessions Judge, Sarangarh, District Sarangarh Bilaigarh (C.G.) whereby the appellants have been convicted and sentenced as follows:-

Bhupendra Kumar @ Bholu Convicted under Sections	Sentenced to
448 of Indian Penal Code	R.I. for 6 months with fine of Rs. 1,000/- and in default of payment of fine, additional S.I. for 20 days.

323 of Indian Penal Code (for injured Vikas Kumar Chandra)	R.I. for 6 months with fine of Rs. 1,000/- and in default of payment of fine, additional S.I. for 20 days.
304-II of Indian Penal Code (for deceased Triyugi Narayan Chandra)	R.I. for 7 years with fine of Rs. 3,000/- and in default of payment of fine, additional S.I. for 6 months.

Keshav Kumar Chandra Convicted under Sections	Sentenced to
448 of Indian Penal Code	R.I. for 6 months with fine of Rs. 1,000/- and in default of payment of fine, additional S.I. for 20 days.
323 of Indian Penal Code (for injured Vikas Kumar Chandra)	R.I. for 6 months with fine of Rs. 1,000/- and in default of payment of fine, additional S.I. for 20 days.
323 of Indian Penal Code (for deceased Triyugi Narayan Chandra)	R.I. for 6 months with fine of Rs. 1,000/- and in default of payment of fine, additional S.I. for 20 days.

Vinay Kumar Chandra Convicted under Sections	Sentenced to
448 of Indian Penal Code	R.I. for 6 months with fine of Rs. 1,000/- and in default of payment of fine, additional S.I. for 20 days.
323 of Indian Penal Code (for injured Vikas Kumar Chandra)	R.I. for 6 months with fine of Rs. 1,000/- and in default of payment of fine, additional S.I. for 20 days.
323 of Indian Penal Code (for deceased Triyugi Narayan Chandra)	R.I. for 6 months with fine of Rs. 1,000/- and in default of payment of fine, additional S.I. for 20 days.

4. The prosecution case, in brief, is that injured Triyugi Narayan Chandra aged about 45 years lodged a report in Police Station Kosir alleging inter-alia that on 28.05.2023 at about 06.05 AM morning Bhupendra Chandra, Vinay Chandra and Keshav Chandra entered into the house, abused him in filthy languages and badly assaulted him and his nephew Vikas Chandra due to which blood was oozing out of his mouth and ear. It was further alleged that hearing the noise his nephew and nieces came there who were also assaulted and abused in filthy languages and subsequently the Sarpanch Labho Lahre, Laxman Chandra and Kishan Lal came there and tried to intervene the matter and then their life is safe but they are in sock and terror that any time they will commit murder to the complainant and his family members. It is further stated that he is a teacher and lives in Dantewada and only lady members of the family reside in Kosir due to which the scared is high and it is further alleged that accused persons used to abuse the ladies in filthy languages.
5. On the basis of report lodged by Triyugi Narayan Chandra, the first information report bearing Crime No. 63/2023 under Section 451, 294, 506, 323, 34 of Indian Penal Code was registered on 28.05.2023. The injured persons Triyugi Narayan Chandra and Vikas Singh Chandra were sent for medical examination to Community Health Centre, Sarangarh where the doctor has advised for X-ray and ENT opinion regarding neck pain and swelling to Triyugi Narayan Chandra. On 29.05.2023 an information was sent to Station House Officer, Police Station Chakradhar Nagar, Raigarh that at about 7.38 PM Triyugi Narayan Chandra was admitted in the hospital in serious condition by

Vikas Chandra and thereafter at about 11.30 PM another intimation was sent to police regarding death of Triyugi Narayan Chandra. The doctor has opined in post mortem report that death was due to asphyxia as a result of neck injury and thereafter merg intimation was recorded as Merg No. seized, 19/2023 in Police Station - Kosir and during course of investigation, supplementary statement of the witnesses were recorded and after completion of the entire investigation, charge-sheet was filed before the learned Judicial Magistrate First Class, Sarangarh where the Criminal Case No. 974/2023 was registered. The case is triable by Sessions Judge therefore it was committed on 21.08.2023 and sent to the learned Additional Sessions Judge, Sarangarh, District Sarangarh-Bilaigarh for trial where the Sessions Trial No. 87/2023 was registered. On the basis of the material contained in the charge-sheet, the learned trial Court framed the charges against the accused persons for the offence under Section 452, 325 read with Section 34, 506, 294, 352 and 302 of Indian Penal Code. The accused persons denied their guilty and claimed for trial.

6. The prosecution examined as many as 22 witnesses and tendered several documents Ex.P-1 to Ex.P-45 to prove its case. The accused persons have been examined under Section 313 of the Code of Criminal Procedure in respect of the incriminating evidence appearing against them in the evidence led by the prosecution. They denied all the incrimination circumstances and stated that they have not committed any offence and they have been falsely implicated and further stated that the deceased Triyugi Narayan Chandra and other persons Vikas, Seema, Usha, Rama were assaulting and abusing to the accused No.1 Keshav

then other accused persons came there to intervene the matter but they were also assaulted by them and confronted the documents relating to other Session Trial which were exhibited as Ex.D-1 to Ex.D-22.

7. The learned trial Court i.e. Additional Sessions Judge, Sarangarh, District Sarangarh-Bilaigarh has passed the judgment of conviction and order of lesser sentence on 19.09.2024 after hearing of both the parties and relying upon the evidence led by the prosecution, held the accused persons are guilty for the commission of offences punishable under Section 448, 323 of Indian Penal Code and further held that accused Bhupendra Kumar @ Bholu is also committed an offence under Section 304 Part-II of Indian Penal Code in respect of commission of death of Triyugi Narayan Chandra and awarded the maximum sentence up to 6 months to the accused Keshav Kumar Chandra and Vinay Kumar Chandra for commission of offence under Section 448 and 323 of Indian Penal Code and the accused Bhupendra Kumar @ Bholu was also further awarded sentence R.I. for 7 years for the offence under Section 304 Part-II of Indian Penal Code.
8. In Acquittal Appeal No. 393 of 2025, learned counsel for the appellant submitted that the learned Trial Court erred in convicted the accused Bhupendra Kumar @ Bholu for offence under Section 448 and 323 and 304 Part-II of IPC and convicted the accused Keshav Kumar Chandra and Vinay Kumar Chandra for offence under Section 448 and 323 of Indian Penal Code instead of 302, 34 of Indian Penal Code as all the accused persons entered into the house of the deceased, badly assaulted him and during quarrel the injuries over neck was caused by one of them due to which the deceased succumbed during treatment in the

hospital. He further submits that the learned Trial Court wrongly held that the dispute arose between the parties as a sudden quarrel but it was not a sudden quarrel but the accused persons were regularly creating dispute with the family members of the deceased due to differences of their status and on the date of incident, they started quarrel by pouring water over the deceased and thereafter entered into the house, abused him and his family member in filthy languages and badly assaulted the deceased, thus it is an offence punishable under Section 302 of Indian Penal Code. All the accused persons in furtherance of their common intention to assault the deceased and his family members entered into the house, therefore, all of them are liable to be punished under Section 302, 34 of Indian Penal Code.

9. In Acquittal Appeal No. 393 of 2025, Mr. Verma further submits that section 34 of Indian Penal Code (Section 3(5) of Bharatiya Nyaya Sanhita, 2023 provided that when a criminal act is done by the several persons in furtherance of common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone. Thus it is clear that the accused persons are liable to be punished under Section 302, 34 of Indian Penal Code. The story of the prosecution shows that all the accused persons entered into the house of the present appellant and deceased by abusing them in filthy languages. Thus it is clear that there is mens-rea to commit the capital offence and the accused persons badly assaulted the family members of the deceased and pressed his neck until the matter was intervened by some villagers and the appellant. The learned Trial Court erred convicting the accused No.3 only for an offence under Section 304 Part-II, though all

the accused persons are liable to be punished under Section 302, 34 of Indian Penal Code because in the aforesaid quarrel the neck of the deceased was pressed with knowledge and intention that such act is likely to cause death and it was pressed until the matter was intervened and such act was also committed after entering the house which clearly shows that the accused persons are liable to be punished under Section 302, 34 of Indian Penal Code. All the accused persons entered into the house of the deceased by abusing them in filthy language and thereafter assaulted the family members and the injuries were corroborated by the doctor, thus prosecution witnesses have established the case beyond doubt through evidences and documents that the deceased was murdered in furtherance of the common intention of the accused persons. The evidence of the prosecution witnesses who were family members and villagers of the deceased regarding quarrel and pressing neck by the accused persons is clearly corroborated by the doctor as in the postmortem report the doctor has clearly opined that cause of death is asphyxia as a result of neck injury (Ex.P-15 by PW-17). The learned Trial Court wrongly appreciated the entire evidence available on record including the depositions of witnesses and wrongly arrived at the finding of guilt of the accused No.3 only punishable under Section 304 Part-II of Indian Penal Code whereas the prosecution case supported by the credible and cogent evidences clearly established that all the accused persons are liable to be punished under section 302, 34 of Indian Penal Code. It is respectfully submitted by the appellant that the prosecution has duly proved its case beyond all the reasonable doubt and the offences committed by the accused persons come within

section 448, 323, 325, 302, 34 of Indian Penal Code but trial court convicted under section 448, 323 to all the accused persons and thereafter 304 part-II to the accused Bhupendra Kumar though the Court could not adopt the lenient view while awarding the conviction and sentence thereof. The prosecution has duly discharge its burden to prove the case beyond all the reasonable doubt, therefore, the accused may be convicted for the offence under section 448, 323, 325, 302, 34 of Indian Penal Code and awarded the higher sentence. He lastly submitted that though the scope of interference with the order acquittal is very much limited, but on the other hand, the appellate Court is vested with wide powers of re-appreciation of the evidence in the matter.

10. In CRA Nos. 1793/2025 & 1799/2024, learned Sr. counsel for the appellant submits that the prosecution witnesses are contradictory and such statements are not reliable and admissible under the law. He further submits that complainant/deceased and injured who have stated that the present appellant has abused him and also stated marpeet to the complainant, however, they have not stated regarding assault by the present appellant with deadly weapon. Even there is no proof of record to cause voluntarily grievous hurt to the complainant. Therefore the aforesaid offences is not attracted in the case. He further submits that there is no evidence on record to prove the facts that the appellants have caused voluntarily grievous hurt to the complainant/deceased and injured and there is no evidence available on record to prove that the appellants have committed the offence which is punishable under Section 448, 323 and 304-II of the Indian Penal Code. Therefore the Judgment of conviction and order of sentences passed against the appel-

lants are based on surmises and conjectures.

11. Learned State Counsel submitted that the impugned judgment does not suffer from any illegality, perversity or material irregularity warranting interference in an appeal against conviction/lesser conviction. It is contended that the learned Trial Court has meticulously appreciated the oral and documentary evidence and has rightly come to the conclusion that the incident occurred on account of a sudden quarrel without any premeditation or prior meeting of minds to commit murder. The prosecution evidence itself discloses that the altercation arose at the spur of the moment and there is no convincing material to establish that all the accused shared a common intention to cause the death of Triyugi Narayan Chandra so as to attract Section 302 read with Section 34 of IPC. Learned State Counsel further submitted that the medical evidence, particularly the post-mortem report (Ex.P-15), though opines that the cause of death was asphyxia due to neck injury, does not conclusively establish an intention to cause death. At best, it demonstrates knowledge on the part of accused Bhupendra Kumar @ Bholu that his act was likely to cause death, which squarely brings the case within the ambit of Section 304 Part-II of IPC. The role attributed to the remaining accused persons is confined to causing simple injuries, which is duly corroborated by the medical evidence, and therefore their conviction is just and proper and the conviction of the appellant is well merited which does not call for any interference and these appeals deserve to be dismissed.
12. We have heard learned counsel for the parties, considered their submissions and gone through the records with utmost circumspection.

13. The Supreme Court in the matter of ***Jafarudheen and others vs. State of Kerala reported in (2022) 8 SCC 440*** has considered the scope of interference in Appeal against acquittal in judgment at para 25, which reads as under:

“25. While dealing with an appeal against acquittal by invoking Section 378 CrPC, the appellate court has to consider whether the trial court's view can be terms as a possible one, particularly when evidence on record has been analysed. The reason is that an order of acquittal adds up to the presumption of innocence in favour of the accused. Thus, the appellate court has to be relatively slow in reversing the order of the trial court rendering acquittal. Therefore, the presumption in favour of the accused does not get weakened but only strengthened. Such a double presumption that enures in favour of the accused has to be disturbed only by thorough scrutiny on the accepted legal parameters.”

14. Case of the prosecution is substantially based on the complaint of Complainant/deceased Triyugi Narayan Chandra, who lodged report stating therein that he was posted as a teacher in a school at Dantewada and was residing at Gautiyapara, Village Kosir, within the jurisdiction of Police Station Kosir. On 28.05.2023 at about 6:05 a.m., the accused persons forcibly entered the house of the complainant/deceased Triyugi Narayan Chandra, abused him in filthy language and assaulted him. During the incident, accused Bhupendra Chandra caught hold of and pressed the neck of the complainant/deceased and assaulted him. Ac-

cused Vinay Chandra twisted the hand of the complainant/deceased, causing injury with the possibility of fracture of his finger. Accused Keshav Chandra assaulted the complainant/deceased while threatening to kill him. Due to the assault by the accused persons, blood started oozing from the mouth and ear of the complainant/deceased Triyugi Narayan Chandra. Upon hearing the hue and cry, when the nephew of the deceased, Vikas Singh Chandra, arrived at the spot, all three accused persons also assaulted him, resulting in injuries to his knee, ribs and hand. Further, accused Keshav Chandra abused and assaulted the nieces of the deceased as well. The incident of assault was video recorded. With regard to the said incident, a written report was lodged by the complainant/deceased Triyugi Narayan Chandra himself at Police Station Kosir, on the basis of which the offence was registered.

15. Vikas Singh Chandra (P.W.-03) in the first police statement of the injured witness Vikas Singh Chandra (P.W.-03) dated 28.05.2023 (Ex. D-03), it has been stated that Vinay Chandra was holding the deceased from behind and assaulting him, while from the front Keshav Chandra was beating the deceased with fists. Thereafter, on 02.06.2023, i.e., after the death of the deceased Triyuginarayan Chandra, a further statement of the injured witness Vikas Singh Chandra (P.W.-03) was recorded, wherein he stated that the accused Vinay Chandra had restrained the deceased by pressing his arm around the neck from behind and by twisting and holding one of his hands from the back, while Keshav Chandra was assaulting the deceased with fists on his face, nose, ears and chest. Thus, in his deposition before the Court, the injured witness Vikas Singh Chandra (P.W.-03) has alleged that the ac-

cused Vinay Chandra forcefully restrained the deceased from behind by twisting his arm, and that the accused Keshav Chandra assaulted the deceased with fists.

16. Dr. Ullas Gonnade (PW-17), who conducted the post-mortem examination on the body of deceased Triyugi Narayan Chandra, deposed that he prepared the post-mortem report (Ex.P-15). He stated that on examination, he found a fracture on the right side of the body of the thyroid cartilage. He further noticed haemorrhage beneath the skin of the neck, over the external neck region and within the laryngeal part of the airway. According to him, the cause of death was asphyxia resulting from injury to the neck. In his cross-examination, the witness admitted that he did not specifically mention the nature of death in the post-mortem report and also stated that such fracture may not necessarily occur only by throttling.
17. The Trial Court has elaborately discussed the evidence led by the prosecution and after analyzing the entire evidence led by the prosecution, the Trial Court has rightly held that the incident in question was the result of a sudden quarrel, arising out of a trivial dispute relating to sprinkling of water on a wall, and that the same was not preceded by any prior meeting of minds or pre-planned intention to cause the death of the deceased. The evidence on record does not establish that the accused persons shared a common intention to commit murder so as to attract the provisions of Section 302 read with Section 34 of IPC.
18. The medical evidence clearly establishes that except for the injury on the neck, all other injuries sustained by the deceased were simple in nature. The injuries sustained by the injured witness Vikas Singh Chan-

dra (PW-03) were also simple. The evidence further reveals that the fatal neck injury, which resulted in asphyxia leading to the death of the deceased on the following day, is attributable only to the act of accused Bhupendra Kumar @ Bholu. Even in respect of the said accused, there is no material on record to demonstrate that the act was committed with the intention of causing death or such bodily injury as was sufficient in the ordinary course of nature to cause death.

Conclusion

19. Upon a cumulative appreciation of the evidence on the points for determination, it stands proved that on 28.05.2023 the accused Keshav Chandra, Bhupendra Chandra and Vinay Chandra trespassed into the house of the deceased Triyuginarayan Chandra and thereby committed the offence of criminal house-trespass, and further assaulted the deceased Triyuginarayan Chandra and the injured Vikas Chandra, voluntarily causing them simple hurt. So far as accused Bhupendra Chandra is concerned, it is further proved that he caught hold of and pressed the neck of the deceased Triyuginarayan Chandra with the knowledge that such act was likely to cause death or such bodily injury as was likely to result in death. As a consequence of the injuries caused to the neck, the respiration of the deceased was obstructed, and due to such obstruction the deceased Triyuginarayan Chandra died on 29.05.2023 at about 11:30 p.m.
20. In view of the foregoing, the conviction of accused Bhupendra Kumar @ Bholu under Section 304 Part-II of IPC, which postulates knowledge that the act was likely to cause death but without any intention to cause death, cannot be said to be erroneous or perverse. Similarly, the con-

viction of the remaining accused persons under Sections 448 and 323 of IPC, considering their limited role and the nature of injuries caused by them, is fully justified. Therefore, we are of the opinion that the trial Court did not commit any illegality in convicting the appellants for the aforesaid offences. hence the conviction of the appellants is hereby maintained.

21. The acquittal appeal **ACQA No. 393/2025** filed by the appellant/injured against the order of acquittal of the accused persons from the charge under Sections 506, 294, 352 of IPC is concerned, it is a settled principle of law that in an appeal against acquittal or against conviction for a lesser offence, the appellate court should not interfere merely because another view is possible. Unless the findings recorded by the Trial Court are shown to be manifestly illegal, perverse, or based on a complete misreading of evidence, interference is not warranted. In the present case, the view taken by the Trial Court is not only a possible view but is also supported by cogent reasons and evidence on record. Applying the principles laid down by the Supreme Court in ***Jafarudheen and others vs. State of Kerala***, (2022) 8 SCC 440, this Court finds no compelling reason to disturb the well-reasoned judgment passed by the learned Trial Court. The presumption of innocence in favour of the accused, which stands reinforced by the judgment of the Trial Court, has not been displaced by the appellant. Consequently, we are of the considered opinion that the appellant has failed to make out any case for enhancement of conviction from Section 304 Part-II to Section 302 IPC, or for invoking Section 34 IPC against the accused persons, or for interference with the acquittal under Sections 506, 294 and 352 IPC. **Ac-**

quittal Appeal No. 393 of 2025 filed by the appellant seeking conviction of the accused persons under Section 302 read with Section 34 of IPC is devoid of merit and deserves to be **dismissed**.

22. So far as **Criminal Appeal No. 1799 of 2024** filed by the appellant/ accused Bhupendra Kumar @ Bholu is concerned, it is proved that he caught hold of and pressed the neck of the deceased Triyuginarayan Chandra with the knowledge that such act was likely to cause death or such bodily injury as was likely to result in death. As a consequence of the injuries caused to the neck, the respiration of the deceased was obstructed, and due to such obstruction the deceased Triyuginarayan Chandra died on 29.05.2023 at about 11:30 p.m. Consequently, we are of the considered opinion that the conviction recorded against him is based on credible testimony of injured witnesses, duly corroborated by medical evidence, and the sentence imposed is proportionate to the gravity of the offences proved. No illegality or material irregularity has been demonstrated which would justify interference with the judgment of conviction and order of sentence. Thus, **Criminal Appeal No. 1799 of 2024** filed by the appellant/ accused Bhupendra Kumar @ Bholu is devoid of merit and deserves to be **dismissed**.

23. So far as **Criminal Appeal No. 1793 of 2024** filed by the appellant/ accused Keshav Kumar Chandra and Vinay Kumar Chandra is concerned, it is proved that the role of the accused Vinay Kumar Chandra and Keshav Kumar Chandra, is confined to criminal trespass and causing simple injuries, for which they have been appropriately convicted under Sections 448, 323 and 323 of IPC. So far as, the sentence part Keshav Kumar Chandra and Vinay Kumar Chandra is concerned, con-

sidering the entire facts and circumstance of the case, the manner in which the incident occurred, looking to the injury sustained by injured and deceased, the fact that the incident took place around 3 years ago, at the relevant time the age of the appellant- Keshav Kumar Chandra i.e. 62 years and the age of the appellant Vinay Kumar Chandra i.e. 31 years; during pendency of this appeal the appellants Keshav Kumar Chandra and Vinay Kumar Chandra were on bail since 2024; and did not misuse the liberty granted to them and keeping in view the Judgment of Hon'ble Supreme Court in the matter of ***George Pon Paul v. Kanagalet, (2009) 13 SCC 478***, we are of the opinion that no fruitful purpose would be served by sending the appellants back to jail at this stage and the ends of justice would be served, if the appellants are sentenced to the period already undergone by him. Thus the **Criminal Appeal No. 1793 of 2024** is **allowed in part**. Conviction of the appellants Keshav Kumar Chandra and Vinay Kumar Chandra under section 448, 323 and 323 of the IPC is maintained and the jail sentence is reduced to the period already undergone by them.

24. In the result, as regards **Acquittal Appeal No. 393 of 2025** in respect of the appellant/injured Vikas Singh Chandra is **dismissed** and as regards **Criminal Appeal No. 1799 of 2024** in respect of the appellant/accused Bhupendra Kumar @ Bholu is **dismissed** and **Criminal Appeal No. 1793 of 2024** in respect of the appellant/accused Keshav Kumar Chandra and Vinay Kumar Chandra is **Partly allowed**.

25. The appellants Keshav Kumar Chandra and Vinay Kumar Chandra are reported to be on bail. Their bail bonds are not discharged at this stage and the bonds shall remain operative for a period of six months in view of Sec-

tion 481 of the BNSS.

26. Registry is directed to send a certified copy of this judgment along with the original record of the case to the trial court concerned forthwith for necessary information and compliance and also send a copy of this judgment to the concerned Superintendent of Jail where the appellant Bhupendra Kumar @ Bholu is undergoing his jail sentence to serve the same on the appellants informing him that he is at liberty to assail the present judgment passed by this Court by preferring an appeal before the Hon'ble Supreme Court, if so advised, with the assistance of High Court Legal Services Committee or the Supreme Court Legal Services Committee.

Sd/-

(Arvind Kumar Verma)

Judge

Sd/-

(Ramesh Sinha)

Chief Justice