



AFR
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HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL APPEAL No. - 2930 of 2017

Sunil @ Panjabi

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	: Akanksha Gaur, Dharmendra Kumar Chaubey, Pravin Kumar Tiwari, S.m.faraz I. Kazmi, Santosh Kumar Shukla, Shiv Kumar Singh, Sunil Kumar Dwivedi, Sr. Advocate
Counsel for Respondent(s)	: Durga Kumari, G.A., Jitendra Singh, Shishir Kumar Tiwari, Shyam Sudarshan

Court No. - 44

HON'BLE MANOJ BAJAJ, J.
HON'BLE HARVIR SINGH, J.

1. Appellant namely, Sunil @ Punjabi is aggrieved against the judgment of conviction dated 29.04.2017 and order of sentence dated 01.05.2017 passed by the Special Judge (S.C./S.T. Act), Court No. 13, Bulandshahr in Special Case No. 265 of 2015, arising out of Case Crime No. 121 of 2015, registered at Police Station-Shikarpur, District-Bulandshahr, whereby he has been convicted under Sections 452 and 307 I.P.C. and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and sentenced to five years' rigorous imprisonment under Section 452 I.P.C. alongwith a fine of Rs. 10,000/-; life imprisonment under Section 307 I.P.C. alongwith a fine of Rs. 20,000/-; life imprisonment under Section 3(2)(v) of the S.C./S.T. Act

alongwith a fine of Rs. 20,000/-. In the event of default in payment of fine, he has been ordered to undergo further imprisonment of three months, one year and another one year, respectively. The sentences have been ordered to run concurrently.

2. The subject F.I.R. was registered on the basis of a written complaint dated 05.03.2015 submitted to Station House Officer, Police Station-Shikarpur, District-Bulandshahr by Munna, who alleged that on 04.03.2015, he and his brother, Sundar, both sons of Ramesh Chand, caste *Khatik*, resident of Mohalla Ahirpada, Police Station-Khurja Nagar, District-Bulandshahr had gone to meet their maternal uncle, Om Prakash son of Karan Pal Singh resident of Village Rambansh Devrala, P.S.-Shikarpur. Today, on 05.03.2015, Sunil @ Punjabi son of Reshampal Singh Thakur resident of Village Rambansh had engaged Sundar for work in his sugarcane field. The complainant's brother came home for lunch without informing, therefore, being annoyed with this, Sunil @ Punjabi entered the house of informant at 8:20 am and abused in the name of caste and fired gunshot resulting in injuries to his brother. At the time of incident, complainant's maternal uncle Om Prakash and his grandfather, Karanpal Singh son of Hulasiram were also present who witnessed the occurrence. The complainant prayed for legal action and on these allegations, the FIR was registered for commission of offence punishable under Section 307, 452 I.P.C. and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. After registration of the F.I.R., the investigation in the case was conducted by Investigating Officer namely, Rafal Singh Tomar, Circle Officer, E.O.W., Meerut, who recorded the statements of complainant-Munna, eyewitness Om Prakash son of Karanpal, Karanpal son of Hulasiram and injured witness Sundar son of Rameshchand. During investigation, the victim's medical report dated 31.03.2015 was collected and site plan was also prepared. The statements of other formal witnesses were also recorded and finally the charge sheet was filed against the accused person under Section 173(2) Cr.P.C.

thereby sending him to face prosecution for commission of offences punishable under Sections 452, 307 I.P.C. and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Thereafter, vide order dated 18.06.2015 the charges against the accused person were framed for alleged commission of offences punishable under Sections 452, 307 I.P.C. and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The appellant-accused pleaded not guilty and claimed trial.

5. In order to prove the guilt of the accused, the prosecution had examined six witnesses namely, Munna (P.W.-1), Om Prakash (P.W.-2), Sundar Lal, injured, brother of the complainant (P.W.-3), Circle Officer Rafal Singh Tomar (P.W.-4), Head Constable Yashpal Singh (P.W.-5), and Dr. Mohammad Azam Haseen (P.W.-6). Besides, the prosecution also adduced documentary evidence i.e. written complaint (Exb.Ka-1), site plan (Exb.Ka-2), Charge sheet (Exb.Ka-3), chik FIR (Exb.Ka-4), Carbon copy G.D. dated 5.3.2015 (Exb.Ka-5), injury report of injured Sundar Lal (Exb. Ka-6), Discharge slip (Exb.Ka-7), and Treatment card (Exb.Ka-8).

6. After completion of the prosecution evidence, the statement of accused-appellant was recorded under Section 313 Cr.P.C. on 17.08.2016, who denied the prosecution evidence and pleaded false implication. In defence, D.W-1 Sunil Kumar son of Amichand was examined as defence witness.

7. Upon analyzing the prosecution case, evidence and other material on record, the trial court proceeded to convict the appellant-accused under Sections 452, 307 I.P.C. and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and awarded the substantive sentence of life imprisonment alongwith fine, as noticed above. Aggrieved against the judgment of conviction dated 29.04.2017 and order of sentence dated 01.05.2017, the appellant preferred this appeal.

8. Mr. Shiv Kumar Singh, learned counsel for the appellant has argued that according to the prosecution case, injured was firstly taken to a hospital in Khurja, but there is no evidence on record that either he was treated there or was referred to Aligarh Medical College. He further argued that the prosecution evidence is discrepant in respect of the use of firearm weapon, as the nature of the bullet or pellets raises serious doubt about the alleged occurrence. Learned counsel has further submitted that the medical evidence adduced by the prosecution is not supporting the ocular version and it is the case of the prosecution that the accused had fired only one gunshot, therefore, two injuries on his person i.e. on his right hand and right chest would not be possible as a result of single shot. According to learned counsel, the accused did not fire second shot, therefore, the crucial element of intention on the part of the accused in commission of alleged crime is missing. It is vehemently argued by learned counsel for the appellant that according to the injured and complainant, various other persons arrived at the spot, but none of those persons was examined by prosecution, and apart from the injured, only Om Prakash was produced as a witness. Learned counsel has also pointed out that according to complainant-Munna, who is brother of the injured, the occurrence was witnessed by Karanpal, grandfather of the injured, but even the said witness did not step into the witness box to support the case of the injured.

9. Learned counsel for the appellant has argued that evidence collected during investigation in the case is insufficient to connect the appellant with the alleged crime as the weapon used in the offence was not recovered and further the clothes worn by the victim were also not recovered and the color of the t-shirt worn by the victim has been described in different colours, therefore, the prosecution evidence would not establish the charge against the appellant. Lastly, it is argued that the injuries suffered by the injured were not declared dangerous to life, therefore, alleged offence punishable under Section 307 I.P.C. would not be made out, therefore, as a consequence, the offence punishable under Section 3(2)(v) of S.C./S.T. Act would also not be made out.

10. While referring to the impugned judgement of conviction, learned counsel for the appellant has argued that the trial court has ignored the serious contradictions and material discrepancies in the statements of witnesses, and the benefit of doubt ought to have been extended to the appellant, therefore, the impugned judgement calls for interference by this Court in exercise of appellate jurisdiction. He prays that the same may be set aside and the appellant be acquitted of the charges.

11. Alternatively, learned counsel has urged that the sentence imposed upon the appellant is on extremely higher side, therefore, the impugned judgement of conviction dated 29.04.2017 and order of sentence dated 01.05.2017, is not sustainable.

12. The prayer is opposed by Mr. Sanjay Singh, learned A.G.A.-I, who has argued that the impugned judgement passed by the trial court is based upon the correct appreciation of prosecution evidence and the appellant has been rightly convicted. Learned State Counsel has argued that though the FIR was lodged by complainant Munna, who is the brother of the injured and as per his version, the accused entered the house of the injured, who came for lunch leaving the work at the field of accused without informing him, therefore, he straightaway fired the gunshot at his brother Sundar Lal (P.W.-3). Learned State Counsel has argued that the injury report of the injured clearly shows that he had suffered gunshot injuries, therefore, the medical evidence also supports the evidence of the injured witness. In this regard, learned State Counsel has drawn the attention of the Court to the evidence of P.W.-6, Dr. Mohammad Azam. He submits that merely because the weapon used in crime was not recovered during investigation would not mean that the prosecution has not established the charges against the accused and this omission by the Investigating Officer is not serious enough to disbelieve the prosecution case. He prays that the appeal be dismissed.

13. Learned counsel for the parties have been heard and with their assistance, case file and the trial court record has been perused carefully.

14. As per the prosecution case, injured Sundar Lal (P.W.-3) had suffered gunshot injuries on his person on 05.03.2015, allegedly fired by accused Sunil @ Punjabi and on the basis of the complaint by Munna, prosecution of accused commenced. As per the complaint by Munna (P.W.-1), Sunil @ Punjabi had engaged his brother Sundar Lal (injured) for loading sugarcane in his trolley @ Rs. 200/- per day, and after doing the work Sundar Lal came back home for lunch, and after some time accused entered their house and expressed his annoyance by abusing Sundar Lal, who returned home without his permission and accused also fired a gunshot at him.

15. The alleged offence is against human body and in such cases, the material witness is the injured. A careful examination of the testimony of injured-P.W.-3 would show that he has clearly stated about the involvement of accused in the commission of crime, who had entered his house and abused before firing gunshot at him from a distance of 3-4 steps. Despite lengthy cross-examination by the defence, the testimony of P.W.-3 injured has gone unimpeached. The witness neatly narrated the entire sequence followed by the treatment received by him, and apart from the material evidence of injured-Sundar Lal (P.W.-3), other witnesses have also supported the prosecution case. The deposition of injured-P.W.-3 receives corroboration from the statements of complainant-Munna (P.W.-1) and Om Prakash (P.W.-2), who are his brother and uncle, respectively and the depositions of all the three witnesses i.e. Munna, Om Prakash and Sundar Lal, are consistent on material aspects. No doubt, Karan Pal or any of the other persons who arrived at the spot were not examined by prosecution as witnesses, but this would not render the prosecution case doubtful.

16. Notably, the occurrence took place at around 8:20 am and immediately the injured was taken to Khurja Hospital, where considering the seriousness of his injuries he was referred to Jawahar Lal Nehru Medical College, Aligarh.

There the injured was admitted and was operated upon to extract the bullet embedded in his chest. The injured was discharged on 16.03.2015 with discharge summary-Exb. Ka-7. The argument by the learned counsel for the appellant that the prosecution has failed to produce any evidence that patient was taken to Khurja Hospital, therefore, there is material discrepancy in the prosecution case is without any merit, as in the considered opinion of this Court, this cannot be construed as a serious lapse on the part of prosecution, as the deposition of injured clearly mentions that he was taken to Khurja Hospital where with cotton his blood was wiped and from there his father and others brought him to the Aligarh Medical College, where he remained admitted till 16.03.2015.

17. Apart from the ocular version, the testimony of Dr. Mohammad Azam Haseen (P.W.-6) also lends support to the prosecution case, who had examined the injured to find following injuries on his person:-

- “1. Gunshot wound in right hand 0.5 x 0.5 cm middle finger over the dorsum of right hand and bleeding and tattooing present over the right hand.*
- 2. Gunshot wound 0.5 x 0.5 cm present over the right chest and blackening present and tattooing present over the neck upper part of the right chest.”*

18. The testimony of Dr. Mohammad Azam Haseen (P.W.-6) explains the treatment given to the injured and according to him, immediately the tube was inserted in the lungs of the injured to remove 400 ml congested blood, and later on, he was again operated upon to extract the bullet. Thus, the medical evidence also corroborates the ocular version proving the gunshot injuries suffered by the injured. The argument that there is discrepancy in the nature of weapon used in the alleged commission of crime as the evidence of P.W.-6 also mentions that metallic pellets were also seen in the x-ray of injury no. 2 is without any merit, as the doctor categorically deposed that both the injuries were caused by firearm weapon.

19. Similarly, we do not find any substance in the argument by the learned counsel for the appellant that as per prosecution, the accused had fired only one gunshot, therefore, the two injuries i.e. on the right hand and the right part of the chest could not be a result of the single shot, because the victim on seeing the weapon being pointed out at him would naturally attempt to thwart the injury by raising his hand and the gunshot before hitting the chest caused injury on the hand.

20. At this juncture, we deem it appropriate to have a look at Section 307 I.P.C. and the same reads as under:-

“307. Attempt to murder.—Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned.”

21. Of course, the deposition of Dr. Mohammad Azam Haseen (P.W.-6) does not contain any opinion about the nature of injuries that the same were dangerous to life, but in order to attract the provision of Section 307 I.P.C. it is not necessary that the act attributed to the offender must result in bodily injuries to the victim, capable of causing death. For illustration, if an offender fires gunshot and the same went pass the victim without resulting in any injury, the offence of attempt to murder would still be complete. Even otherwise, the language employed in the Section 307 I.P.C., particularly the expression “*hurt*” does not contemplate that the injury suffered by the injured has to be “*grievous*” or “*dangerous to life.*” Therefore, even if, the injury suffered by P.W.-3 was not described as dangerous to life, it cannot be said that the alleged offence would not fall within the ambit of Section 307 I.P.C. Here it will be useful to rely upon the decision of Hon’ble Supreme Court in ***State of M.P. Vs. Mohan and others, 2013 AIR SCW 4663.*** The relevant paragraph reads as under:-

“The High Court was of the opinion that the injuries have not been caused on the vital parts of the body. In order to attract Section 307, the injury need not be on the vital parts of the body. In order to attract Section 307, causing

of hurt is sufficient. If anybody does any act with intention or knowledge that by his act he might cause death and hurt is caused, that is sufficient to attract life imprisonment. Section 307 uses the word “hurt” which has been explained in Section 319 IPC and not “grievous hurt” within the meaning of Section 320 IPC. Therefore, in order to attract Section 307, the injury need not be on the vital part of the body. A gunshot, as in the present case, may miss the vital part of the body, may result in a lacerated wound, that itself is sufficient to attract Section 307. The High Court is, therefore, in error in reducing the sentence, holding that the injury was not on the vital part of the body. Period undergone by way of sentence also in our view is not commensurate with the guilt established.”

22. According to Dr. Mohammad Azam Haseen (P.W.-6), the above noticed injuries could have been caused by firearm weapon, therefore, considering the evidence of P.W.-1, P.W.-2 and P.W.-3 as well as medical evidence, this Court finds that the charges against the accused for commission of offence punishable under Sections 452 and 307 I.P.C. are well established. We have also perused the impugned judgement of conviction passed by the trial court and find that the conviction of the accused-appellant recorded for commission of offences punishable under Section 307 and 452 I.P.C. is based upon the proper appreciation of prosecution evidence and other material on record. The defence evidence relied upon by the appellant does not in any manner contradicts the prosecution evidence. Once, the defence witness D.W.-1 Sunil Kumar feigns ignorance about the occurrence, his deposition that no such occurrence took place is not worth acceptance to doubt the prosecution case.

23. Doubtlessly, the alleged weapon used in crime was not recovered during investigation and similarly, the blood stained clothes were not sent by Investigating Officer, namely, Rafal Singh Tomar for analysis by Forensic Sciences Laboratory, but this omission may not be significant, in the light of the other evidence relied upon by the prosecution. Once, the depositions of material witnesses, including the injured, directly connects the accused with the crime, the improper investigation in the case cannot be accepted as a strong ground to disbelieve the prosecution case.

24. By now, it is settled law, that if, the investigation is not conducted in a proper manner, that alone would not be a sufficient ground to discard the

prosecution case, if, the other evidence on record conclusively proves the charge against the accused. The Hon'ble Supreme Court in **State of Karnataka Vs. K. Yarappa Reddy, (1999) 8 Supreme Court Cases 715** while dealing with the issue of defective investigation made following observations:-

“19. But can the above finding (that the Station House Diary is not genuine) have any inevitable bearing on the other evidence in this case? If the other evidence, on scrutiny, is found credible and acceptable, should the court be influenced by the machinations demonstrated by the Investigating Officer in conducting investigation or in preparing the records so unscrupulously. It can be a guiding principle that as investigation is not the solitary area for judicial scrutiny in a criminal trial, the conclusion of the court in the case cannot be allowed to depend solely on the probity of investigation. It is well nigh settled that even if the investigation is illegal or even suspicious the rest of evidence must be scrutinized independently of the impact of it. Otherwise criminal trial will plummet to that level of the investigating officers ruling the roost. The Court must have predominance and pre-eminence in criminal trials over the action taken by investigating officers. Criminal justice should not be made the casualty for the wrongs committed by the investigating officers in the case. In other words, if the court is convinced that the testimony of a witness to the occurrence is true the court is free to act on it albeit investigating officer's suspicious role in the case.”

25. Again in **C. Muniappan and Others Vs. State of Tamil Nadu, (2010) 9 Supreme Court Cases 567**, the Hon'ble Supreme Court reiterated the above view and observed as under :-

“55. There may be highly defective investigation in a case. However, it is to be examined as to whether there is any lapse by the IO and whether due to such lapse any benefit should be given to the accused. The law on this issue is well settled that the defect in the investigation by itself cannot be a ground for acquittal. If primacy is given to such designed or negligent investigations or to the omissions or lapses by perfunctory investigation, the faith and confidence of the people in the criminal justice administration would be eroded. Where there has been negligence on the part of the investigating agency or omissions, etc. which resulted in defective investigation, there is a legal obligation on the part of the court to examine the prosecution evidence dehors such lapses, carefully, to find out whether the said evidence is reliable or not and to what extent it is reliable and as to whether such lapses affected the object of finding out the truth. Therefore, the investigation is not the solitary area for judicial scrutiny in a criminal trial. The conclusion of the trial in the case cannot be allowed to depend solely on the probity of investigation.”

26. Recently, the Hon'ble Supreme Court in ***Edakkandi Dineshan @ P. Dineshan and others Vs. State of Kerela, 2025 INSC 28*** dealt with this issue and the relevant findings are reproduce below:-

*“22. A cumulative reading of the entire evidence on record suggests that the investigation has not taken place in a proper and disciplined manner. There are various areas where a properly investigation could have strengthened its case. In the case of **Paras Yadav & ors. vs. State of Bihar, 1999 (2) SCC 126**, the Apex Court observed as under:*

“Para 8 - ..the lapse on the part of the Investigating Officer should not be taken in favour of the accused, may be that such lapse is committed designedly or because of negligence. Hence, the prosecution evidence is required to be examined de hors such omissions to find out whether the said evidence is reliable or not. For this purpose, it would be worthwhile to quote the following observations of this Court from the case of Ram Bihari Yadav v. State of Bihar and others, J.T. (1998) 3 SC 290.

"In such cases, the story of the prosecution will have to be examined de hors such omissions and contaminated conduct of the officials otherwise the mischief which was deliberately done would be perpetuated and justice would be denied to the complainant party and this would obviously shake the confidence of the people not merely in the law enforcing agency but also in the administration of justice."

Hence, the principle of law is crystal clear that on the account of defective investigation the benefit will not inure to the accused persons on that ground alone. It is well within the domain of the courts to consider the rest of the evidence which the prosecution has gathered such as statement of the eyewitnesses, medical report etc. It has been a consistent stand of this court that the accused cannot claim acquittal on the ground of faulty investigation done by the prosecuting agency.....”

27. Thus, keeping in view the above pronouncements by Hon'ble Supreme Court, the argument addressed by learned counsel for the appellant that the lapses in the investigation would render the prosecution case doubtful is also without any merit and is hereby rejected, as the deposition of P.W.-1 (Munna), P.W.-2 (Om Prakash), P.W.-6 (Dr. Mohammad Azam Haseen), coupled with documentary evidence would show that the prosecution has successfully discharged the onus in respect of commission of offences punishable under Section 452 and 307 I.P.C.

28. Now, before analysing the correctness and validity of conviction of appellant under Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, we deem it appropriate to have a glance at the said section, which reads as under:-

“3. Punishments for offences atrocities.—(1) ...

(2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(i) ...

(ii) ...

(iii) ...

(iv) ...

(v) commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine;”

29. A reading of the above provision makes it crystal clear that the following ingredients are required to be established by the prosecution to constitute the offence:-

- (i) the offender is not a member of a Scheduled Caste or a Scheduled Tribe;
- (ii) the alleged offence punishable under Indian Penal Code carries a minimum punishment of ten years or more;
- (iii) the person or owner of property against whom such an offence is committed is a member of a Scheduled Caste or a Scheduled Tribe; and
- (iv) the offence is committed by the offender on the ground that the victim is a member of a Scheduled Caste or a Scheduled Tribe.

30. Now while analyzing the conviction of appellant under Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, we find that the deposition of injured Sundar Lal does not conclusively prove the commission of the said offence. The statement of injured (P.W.-3) neither mentions that the accused was aware of his caste nor the alleged abuse “saale” uttered by accused would fall within the ambit of caste related abuse. Of course, the accused committed the offence punishable under Section 307 and 452 of Indian Penal Code, but that alone as a corollary would not be sufficient to attract the penal provision contemplated under Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, unless the sentence under the alleged offence punishable under Indian Penal Code carries minimum punishment of ten years.

31. A reading of Section 307 I.P.C. would show that the punishment part for offence of attempt to murder is contained in two different parts, which would operate in different set of facts. The first part only refers to the intent of the accused followed by overt act constituting the offence, and if, the same is proved, the accused shall be punished with imprisonment of either description for a term which may extend to ten years. Thus, it is apparent that the first part does not contemplate a minimum sentence of ten years.

32. The second part relating to the punishment to a convict under Section 307 I.P.C. is attracted where the victim has suffered “*hurt*” and in that event also, the prescribed punishment is either imprisonment for life or to such punishment as contained in the first part, which is already noticed above. Therefore, the elasticity injected in the punishment part under Section 307 I.P.C. does not at all mean that it provides minimum sentence of ten years. Similarly, Section 452 I.P.C. also contemplates a maximum punishment of seven years, therefore, we have no hesitation in holding that the conviction of the appellant under Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 recorded by the trial court through the impugned judgement of conviction is not sustainable.

33. Further, considering the sentence of life imprisonment imposed upon the appellant through the impugned order dated 01.05.2017 under Section 307 I.P.C., we find that the same is disproportionate to the guilt of the accused and is on extremely higher side. The aim and object of sentence pursuant to conviction recorded by the trial court is meant to convey a strong message to the society which acts as a deterrent factor to discourage commission of crimes. Thus, it requires a balanced approach, and the trial court must ensure that the sentence imposed upon convict is neither lenient nor excessive. The custody certificate dated 25.04.2022 issued by Superintendent, District Jail, Bulandshahr, reveals that from the date of arrest on 24.03.2015, the appellant has undergone a custodial period of more than 11 years, therefore, we feel that in the background of this case the ends of justice would be met, if, the

sentence imposed upon the convict is reduced to the period already undergone by him.

34. Resultantly, we partly allow this appeal and set aside the conviction of appellant under Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, as well as the sentence of life imprisonment and acquit him of the said charge.

35. Further, while maintaining his conviction for offences under Sections 307 and 452 I.P.C., we modify the impugned order on sentence by reducing his punishment under Section 307 I.P.C. from life imprisonment to the period already undergone by him. The rest of the order on sentence dated 01.05.2017 passed by the trial court shall remain intact. In case the appellant is not required in any other case, he be released from prison forthwith.

36. Record and proceedings be remitted back to the trial court forthwith.

(Harvir Singh,J.) (Manoj Bajaj,J.)

September 25, 2026

Kirti