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2026:AHC-LKO:77354

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL APPEAL No. - 3336 of 2024

Teerathraj

.....Appellant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko

.....Respondent(s)

Counsel for Appellant(s)	:	Puttu Lal Misra, Anjali Dubey, Rajiv Mishra, Soniya Mishra Soni Pathak
Counsel for Respondent(s)	:	G.A.

Court No. - 13
[A.F.R.]

HON'BLE SUBHASH VIDYARTHI, J.

1. The instant appeal has been filed under Section 374(2) Cr.P.C./415(2) BNSS challenging the validity of a judgment and order dated 30.09.2024, passed by Sri Prabhat Kumar Yadav, the learned VI Additional Sessions Judge, Raebareli in Sessions Trial No. 100255 of 2017, arising out of Case Crime No. 86 of 2017, under Section 326-A IPC, Police Station Salon, District Raebareli, whereby the appellant has been convicted for the aforesaid offence and he has been sentenced to undergo rigorous imprisonment for 10 years and to pay Rs. 20,000/- as fine.

2. The Court had heard submissions of Ms. Anjali Dubey, the learned counsel for the appellant on 01.10.2026, 07.10.2026 and 14.10.2026. However, as Ms. Dubey could not advance submissions convincingly, the matter was fixed for 26.10.2026 for hearing further submissions, on which date the court requested Sri Chandra Bhushan Pandey, Advocate to go through the record, prepare submissions and assist the court in deciding the matter.Accordingly, Sri Chandra Bhushan Pandey, Advocate and Sri Mohammad Asif Khan, learned AGA-I on behalf of the State have advanced submissions.

3. The aforesaid case was instituted on the basis of a written complaint dated 17.03.2017 given to the police stating that while the complainant was returning from his shop at about 5:30 p.m. on 17.03.2017, the appellant Teerath Raj, who is from the family of the complainant, and two brothers-in-law of Teerath Raj came on a motorcycle and poured acid on the complainant's father and the accused persons ran away.

4. The victim was examined medically in Primary Health Center, Salon,

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Raebareli on 17.03.2017. The medico-legal examination report (Exhibit A-2) mentions acid burn injuries present on 32cm x 6 cm area around the neck, 10cm x 4cm area on the right side of head just above the right ear, 36cm x 6 cm on the chest on lower end of right shoulder, 6cm x 4cm on left wrist, 10 cm x 4 cm neck to lower end of spine vertebra, 30 cm x 6 cm right side mid thigh, 3cm x 4 cm on right lower rib. The report states that all injuries were kept under observation and referred to General Surgeon in District Hospital, Raebareli for expert opinion and further management. The injuries were caused by some acidic substance, the duration of the injuries was fresh and the burn was around 35%. The doctor had prepared a referral slip referring the victim to District Hospital, Raebareli, which has been marked as Exhibit A-3.

5. On the basis of the written complaint, an FIR (Exhibit A-5) was lodged on 17.03.2017. The investigating officer submitted a charge-sheet on 17.05.2017 against the appellant for the offence under Section 326-A IPC.

6. The complainant was examined as PW-1. He reiterated the FIR version.

7. The victim was examined as PW-2. He stated that he knows the appellant Teerath Raj and he is his uncle's son and resides in the same village. He stated that on the date of the incident, he was returning from his shop at about 5:30 p.m. As soon as he reached near the tower near the village, the appellant came there on a motorcycle along with his two brothers-in-law Neeraj and Pankaj. The appellant was sitting on the pillion seat, he was carrying acid in a jug and he poured the acid on the victim Tara Prasad Mishra. PW-2 fell down and the three accused persons ran away towards the toll plaza. The victim was taken to the Community Health Center, Salon, Raebareli. He stated that he had shown the injuries to the doctor. He had suffered acid burns on his head, right hand, neck, chest, back, right hand and right thigh and he had suffered a laceration on his ear. Keeping in view his serious condition, he was referred to the District Hospital, Raebareli, from where he was discharged after 3-4 days. The victim further stated that he was getting himself treated privately since thereafter.

8. One Shravan Kumar was examined as PW-3 and he stated that he had reached on the spot upon hearing the cries of the victim Tara Prasad.

9. The doctor who had treated the victim and had conducted his medico-legal examination in CHC Salon, was examined as PW-4. He stated that the victim had suffered burn injuries all around the neck, towards right side of the head, above right ear, on chest, right shoulder, on right side of chest, left wrist and arm, on the back and on the right thigh. The burn injuries were fresh, caused by an acid and the extent of burn was about 35%. Acidic odour

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was present. PW-4 stated that he had referred the victim to a general surgeon in the district hospital for expert opinion and treatment. He had prepared the injury report and the referral slip.

10. During cross-examination, PW-4 stated that the injuries could have been caused by acid, but in absence of a chemical examination having been conducted, he could not tell by which substance were the injuries caused.

11. The Head Constable who had registered the FIR was examined as PW-5 and the Investigating Officer was examined as PW-6.

12. In the statement recorded under Section 313 Cr.P.C., the appellant denied all the allegations and said that a dispute regarding partition of property existed between him and the victim, in which he had succeeded. Due to this animosity, the victim implicated him in a false case. He further stated that he did not have any motorcycle, the motorcycle bearing the number as mentioned by the victim does not belong to him and no villager has come forward to prove the allegations as the allegations are false.

13. The trial court held that the prosecution evidence proved the allegation of commission of offence under Section 326-A IPC beyond reasonable doubt and convicted and sentenced the appellant accordingly.

14. Sri Chandra Bhushan Pandey, Advocate has submitted that the medical report, the referral slip and the statement of the doctor PW-4 indicate that the victim was referred to a general surgeon in District Hospital, Raebareli, but there is absolutely no evidence to indicate whether the victim got himself treated in the District Hospital, Raebareli or in any other higher centre. The victim stated that he had remained admitted to a hospital for 3-4 days only. He has submitted that there is no evidence to prove that the victim had suffered any grievous hurt in the incident and, therefore, the offence under Section 326-A IPC is not made out.

15. Sri Pandey, Advocate has also doubted the correctness of the prosecution story for failure of the prosecution to recover the jug allegedly used in commission of the offence, to recover the clothes worn by the victim at the time of the incident, which would have got damaged in case acid was poured on the victim and lack of any other evidence to corroborate the allegations levelled by the complainant and the victim.

16. Sri. Mohammad Asif Khan, the learned AGA-I has advanced submissions opposing the appeal and he has submitted that the injured person's testimony is sufficient to prove that the appellant threw acid upon the victim and thereby caused burn injuries to him. However, the learned AGA-I has fairly produced the relevant extract of the case diary before the

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court which contains a medical certificate dated 30.03.2017, issued by the Medical Officer PHC Salon, Raebareli, which states that the victim Tara Prasad Mishra was examined on 30.03.2017 at 12:30 p.m. He had been brought by a police constable and there was no injury on any part of his body. Therefore, it appears that the injuries suffered by the victim on 17.03.2017 had disappeared by 30.03.2017 and this also fortifies that the victim had not suffered any grievous hurt in the incident.

17. Section 326-A IPC, under which the appellant has been convicted and sentenced, reads as follows: -

> "*326-A.* ***Voluntarily causing grievous hurt by use of acid, etc****.—*
>
> *Whoever causes permanent or partial damage or deformity to, or* burns *or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine:*
>
> *Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim;*
>
> *Provided further that any fine imposed under this section shall be paid to the victim."*

18. Causing permanent or partial damage or deformity to, or burning or maiming or disfiguring or disabling any part or parts of the body of the victim or causing grievous hurt by throwing or administering acid to the victim is the first essential condition to attract Section 326-A IPC.

19. Grievous hurt is defined under Section 320 IPC, as follows: -

> "*320. Grievous hurt.—The following kinds of hurt only are designated as "grievous":—*
>
> *(First)— Emasculation.*
>
> *(Secondly)— Permanent privation of the sight of either eye.*
>
> *(Thirdly)— Permanent privation of the hearing of either ear,*
>
> *(Fourthly)— Privation of any member or joint.*
>
> *(Fifthly)— Destruction or permanent impairing of the powers of any member or joint.*
>
> *(Sixthly)— Permanent disfiguration of the head or face.*
>
> *(Seventhly)— Fracture or dislocation of a bone or tooth.*
>
> *(Eighthly)— Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits."*

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20. Although the medical evidence establishes that the victim had suffered burn injuries on 17.03.2017 and he was referred to District Hospital, Raebareli, there is absolutely no evidence regarding any further treatment undergone by the victim. There is no evidence regarding any findings recorded by the expert surgeon of District Hospital, Raebareli regarding the nature of injuries suffered by the victim. The medico-legal examination report dated 30.03.2017 issued by PHC Salon, Raebareli shows that no visible marks of the injuries remained after 13 days and, therefore, I am of the view that the injuries suffered by the victim were not grievous in nature.

21. In **Maqbool v. State of U.P.**, (2019) 11 SCC 395, the Hon'ble Supreme Court held that: -

> "***5.*** *Section 326-A carries title of "voluntarily causing grievous hurt by use of acid" whereas Section 326-B does not carry any such indication in the title regarding the nature of injury as grievous. But on closer analysis, it can be seen that both the sections provide for eight types of injuries — (i) permanent damage, (ii) partial damage, (iii) deformity, (iv) burns, (v) maiming, (vi) disfigurement, (vii) disability, or (viii) grievous hurt."*
>
> ***6.*** *The first seven of the injuries referred to in the sections are classified based on the normal after effect of acid attack whereas the eighth one is on the gravity of the effect. Under Sections 326-A and 326-B, grievous hurt is only one among the eight injuries. In view of the Explanation under Section 326-B, the resultant damage or deformity under Sections 326-A or 326-B is not required to be irreversible. The other seven injuries may be either simple or grievous. The nature of injury being simple or grievous, is irrelevant for distinguishing between Section 323 and Section 326-A IPC or between Section 326-A and Section 326-B IPC.* ***If the injury referred to under Section 326-A or 326-B is one among the specified eight injuries, whether the seven of them be simple or grievous, the special provisions are attracted****.*
>
> * * *
>
> ***8.*** *Thus, merely because the title to Section 326-A IPC speaks about grievous hurt by use of acid, it is not a requirement under the section that the injuries caused should be invariably grievous. Even if the seven injuries are simple, Section 326-A, and under Section 326-B the mere act of throwing or attempt, as indicated in the section, would attract the offence.*
>
> ***9.*** *The title to the provision need not invariably indicate the contents of the provision. If the provision is otherwise clear and unambiguous, the title pales into irrelevance. On the contrary,* ***if the contents of the provision are otherwise ambiguous, an aid can be sought from the title so as to define the provision. In the event of a conflict between the plain expressions in the provision and the indicated title, the title cannot control the contents of the provision. Title is only a broad and general indication of the nature of the subject dealt under the provision****.*

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* * *

> ***15.*** *As we have already discussed above,* ***it is not the percentage or gravity of injury, which makes the difference. Be it simple or grievous, if the injury falls under the specified types under Section 326-A on account of use of acid, the offence under Section 326-A is attracted****. Section 326-B would be attracted in case the requirements specified are met on an attempted acid attack...."*

(emphasis added)

22. Now, I proceed to examine whether the victim has suffered any - (i) permanent damage, (ii) partial damage, (iii) deformity, (iv) burns, (v) maiming, (vi) disfigurement or (vii) disability. There is no evidence regarding any permanent or partial damage, deformity, maiming, disfigurement or disability suffered by the victim.

23. The only thing which remains to be examined is whether the burns suffered by the victim would attract Section 326-A IPC, because the word "burns" also find place in Section 326-A IPC, but its extent is not mentioned in the Section.

24. In **A. Madan Mohan v. Kalavakunta Chandrasekhara**: (1984) 2 SCC 288, the Hon'ble Supreme Court reiterated that: -

> "***13.*** *It is a well-settled principle of interpretation of statute that wherever a statute contains stringent provisions they must be literally and strictly construed so as to promote the object of the Act."*

25. In **State of Maharashtra v. Lalit Somdatta Nagpal**: (2007) 4 SCC 171, the Hon'ble Supreme Court held in reference to Maharashtra Control of Organized Crimes Act, 1999, that: -

> "***62.*** *However, we are in agreement with the submission that having regard to the stringent provisions of mcoca, its provisions will have to be very strictly interpreted and the authorities concerned would have to be bound down to the strict observance of the said provisions..."*

26. Section 326-A IPC also carries a stringent punishment of imprisonment for 10 years and it should be interpreted strictly. It is also a settled principle of law that a statutory provision should be read as a whole and a word cannot be read and understood divorced from the entire provision.

27. Section 326-A provides for eight types of injuries - (i) permanent damage, (ii) partial damage, (iii) deformity, (iv) burns, (v) maiming, (vi) disfigurement, (vii) disability, or (viii) grievous hurt. The word "burns" used in Section 326-A should be interpreted ejusdem generis with the other seven categories used in the provision.

28. "*Noscitur a sociis*" is a well-recognised principle used for interpretation

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of statutes. In **The State of Bombay and Ors. vs. The Hospital Mazdoor Sabha and Ors.**: AIR 1960 SC 610, it was observed that: -

> "*... This rule, according to Maxwell, means that, when two or more words which are susceptible of analogous meaning are coupled together they are understood to be used in their cognate sense. They take as it were their colour from each other, that is, the more general is restricted to a sense analogous to a less general. The same rule is thus interpreted in "Words and Phrases" (Vol. XIV, p. 207):*
>
> "*Associated words take their meaning from one another under the doctrine of noscuntur a sociis, the philosophy of which is that the meaning of a doubtful word may be ascertained by reference to the meaning of words associated with it; such doctrine is broader than the maxim Ejusdem Generis."*
>
> *In fact the latter maxim is only an illustration or specific application of the broader maxim "noscuntur a sociis".*

29. In **Edakkandi Dineshan v. State of Kerala**: (2025) 3 SCC 273, the Hon'ble Supreme Court held that: -

> "***18.*** *..."Noscitur a sociis" is a well-recognised principle used for interpretation of statutes. It means that the meaning of a word can be determined by the context of the sentence; it is to be judged by the company it keeps..."*

30. The word "burns" is a vague term. A person can feel burning sensation of various degrees. The word "burns" used under Section 326-A IPC does not mention the extent or the gravity of the same and so it must be read *ejusdem generis* with the other words used in the provision. The intention behind the other words used in the provision - permanent damage, partial damage, deformity, maiming, disfigurement, disability, or grievous hurt appears to be that the injury must be severe so much so that it causes the body part to be either altered or gravely affected for a significant period of time. The injury must have some lasting impact on the body part injured. The word "burns" used in the provision must also be interpreted in the same light i.e. the nature or the severity of such burn cannot be such that it leaves no visible marks of injuries after passing of merely 13 days after the incident. At the least the nature of the burn must be such that has a lasting impact on the body part which has suffered a burn. Therefore, a simple burn which heals in 13 days is not what is envisaged by the expression "burn" as used in the said section.

31. In paragraph 274 of the judgment in the case of **Vijay Madanlal Chaudhary versus Union of India**: (2023) 12 SCC 1, the Hon'ble Supreme Court referred to a King's Bench judgment in the case of *Seaford Court Estates ld.*, which is as follows: -

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> "***274.*** *We may profitably advert to the judgment in Seaford Court* Estates ld. *[1949] 2 K.B. 481, which states:*
>
> "…***A judge, believing himself to be fettered by the supposed rule that he must look to the language and nothing else, laments that the draftsmen have not provided for this or that, or have been guilty of some or other ambiguity. It would certainly save the judges trouble if Acts of Parliament were drafted with divine prescience and perfect clarity. In the absence of it, when a defect appears a judge cannot simply fold his hands and blame the draftsman. He must set to work on the constructive task of finding the intention of Parliament, and he must do this not only from the language of the statute, but also from a consideration of the social conditions which gave rise to it, and of the mischief which it was passed to remedy, and then he must supplement the written word so as to give "force and life" to the intention of the legislature.*** *That was clearly laid down by the resolution of the judges in* Heydon's case, *(1584) 3 Co. Rep. 7a, and it is the safest guide today. Good practical advice on the subject was given about the same time by Plowden in his second volume* Eyston *v.* Studd *(1574) 2 Plowden 465.* ***Put into homely metaphor it is this : A judge should ask himself the question : If the makers of the Act had themselves come across this ruck in the texture of it, how would they have straightened it out? He must then do as they would have done. A judge must not alter the material of which it is woven, but he can and should iron out the creases."***
>
> (emphasis added)

32. Therefore, I hold that the word "burns" used in Section 326-A IPC, without specifying its degree, extent or effect, should be read and understood by reading it alongwith the other seven conditions mentioned in the Section, i.e., (i) permanent damage, (ii) partial damage, (iii) deformity, (iv) maiming, (v) disfigurement, (vi) disability, or (vii) grievous hurt. The word "burns" used in Section 326-A should be interpreted ejusdem generis with the other seven categories used in the provision.

33. The injuries suffered by the victim healed within 13 days to the extent that they left no visible marks or functional impairment upon the victim's body and therefore the nature of the injuries falls short of the gravity or the seriousness of the injuries required to attract Section 326-A IPC. Therefore, although the victim's medical report mentions that he suffered burn injuries, those burns are not the "burns" as intended by Section 326-A IPC and, therefore, the same would not attract the offence under Section 326-A IPC.

34. Therefore, the offence under Section 326-A IPC is not made out. However, it is undisputed that the victim had suffered injuries in the incident. The appellant is well known to the victim as he is his uncle's son and resides in the same village. Therefore, there is no possibility of a mistaken identity of the miscreant. There appears to be no reason for the victim to save and protect the real miscreant and implicate the appellant fals

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ely.

35. Keeping in view the testimony of the victim and the complainant to the effect that the appellant had poured acid upon the victim and had caused burn injuries to the victim, I am of the view that the offence under Section 324 IPC is made out against the appellant, which provides as follows:

> "*324. Voluntarily causing hurt by dangerous weapons or means.—*
>
> *Whoever, except in the case provided for by section 334, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both."*

36. There is sufficient evidence to prove that the appellant had poured some corrosive substance on the victim and he thereby caused hurt to him. Therefore, the appellant is liable to be convicted and sentenced for the offence under Section 324 IPC.

37. Accordingly, the appeal is ***allowed in part***. The impugned judgment and order dated 30.09.2024, passed by Sri Prabhat Kumar Yadav, the learned VIth Additional Sessions Judge, Raebareli in Session Trial No. 100255 of 2017, arising out of Case Crime No. 86 of 2017, whereby the appellant has been convicted and sentenced for the offence under Section 326-A IPC is modified and the conviction and sentence of the appellant for the offence under Section 326-A IPC is **set aside**. Instead, the appellant is convicted for a lesser offence under Section 324 IPC for which he is sentenced to the maximum sentence of imprisonment for 3 years and Rs. 10,000/- as fine. It is provided that in case of failure to pay fine, the appellant would undergo simple imprisonment for an additional period of 3 months. The appellant has already undergone imprisonment for a period exceeding the aforesaid period to which he has been sentenced. Therefore, the appellant need not deposit the amount of fine.

38. The appellant shall be set free case he is not required in connection with any other case, upon his furnishing a personal bond and two sureties to the satisfaction of the court concerned as per the requirement of 437-A Cr.P.C., undertaking to appear before the Hon'ble Supreme Court in case any appeal is filed against this order and the Hon'ble Supreme Court issues notice of the appeal to the appellant. Such bond shall remain in force for a period of six months from today.

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39. Before parting with the case, I put on record my gratitude for the assistance provided by Sri Chandra Bhushan Pandey, Advocate in deciding this matter.

October 27, 2026
Ram.

(Subhash Vidyarthi,J.)

Whether the order is speaking :- Yes
Whether the order is reportable :- Yes

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(Subhash Vidyarthi,J.)