

[2023] 4 S.C.R. 1023
ANUJ SINGH @ RAMANUJ SINGH @ SETH SINGH
V
THE STATE OF BIHAR
(Criminal Appeal No. 150 of 2020)
APRIL 22, 2022
[N.V RAMANA, CJI, KRISHNA MURARI AND HIMA KOHLI, JJ]

Penal Code, 1860 : ss 324, 307 r/w s 34- Khudongthiningai oiba khutlai natraga pambei na touge haiba aningba amaga loinana asok apan thokhanba -- lam gi khatnaba amada appellant amaga informant amagagi marakta lao khongduna khatna cheinaba – Appellantsingna na nongmei pairaga informant aduda kappa da mahaki oigi khong amsung yetki pambom da asok apan thokhi—atopa maral lei haina chenariba mishak aniduna su makhuta ta(spear) amsung chei paiduna informant aduda asok apan thokhankhi. Arms Act ki U/s 307 r w s. 34 amsung s 27ki matung inna Trail Court na Appellantsing dubu fadok pibagi rai tai. High Court na Arms Act ki U/s 27 gi makhada phadok pibada ayaba pibaga loinana High Court na amuksu U/s 307/34 to s 324 gi judgement to khara semdoklaga fadok pibadu chahi ani thabak suba amasung fine pibagi gi fadok oihali. Mathak thangba court ta appeal chatli – Appellantsing gi marakta amana hairakpa wafam, crime adu thokpa matamda mahak mafamduda leite haibasi thajaba watli- Sakhi sing gi warolda Appellant singdu thoudok thokfamda nongmei pairaga lei amsung Informant ki masada asok apan nanghali haibagi warolda khenaba wafam macha lei haidunasu hekta taraina hundokpa yaroi. Doctor gi medical khudam changdamna na henna mayek sengna palli madudi Informant ki asokpadu nongmei dagi kapthorakpa marudagini. Prosecution witness na hairi madudi Appellant singduna lao khongna khatnaba amadagi nongmei sijnaduna informant ki masada asok apn thokhalli. -Section 324 gi makhada touriba charge, Appellant singna nongmei amsung mee siba yaba khutlai paiduna thou-oina asok apan thokhalli haibasidi chumle. Aduna Arms Act ta yaoriba s 27 gi makhada cheirak fangbadagi nanthokpa yaroi. Asumna High Court na Appellant singbu yamna chumna Arms Act ki u/s 324 amasung s 27 gi makhada fadok pikhibani- Criminal Trail.

Appeal kakthatle, Court ki wafam

1.1 Sakhisingn thamkhiba warol kupna taraba tungda khangle madudi appellant anidu thoudok thokfam da nongmei pairaga lei amasung Appellant singduna chathakhiba thoudouduna Informant aduda asok apan nanghali. Appellant M na haijaba mahak mafamduda leite Islampur Block ta posting da lei haiba wafam si thajaba ngamhande maramdi mafam duda attendance Register leite amasung prosecution gi sakhina tasengna haire madudi Appellant M thoudok thokfam da lei. [para 16] [1033-D-E]

1.2 Thoudok thokpagi matam amasung khut amasung khongda sok panba thokpagi matangdadi manadaba warol macha macha lei haibasimadi yetnaba leitana yanare. Adubu sakhisingna piba warolsingda lengdaba wafam amadi Appellant singdu thoudok thokfamda khutlai pairaga lei amasung informant aduda asok apan nanghali haibasini. Adum oinamak criminal case ki bichar amada sakhi amana piba khudam changdam yaoba warolda manadaba amsung chitha nanthba macha macha khara yaoyee haibagidamak hekta hundokpa loudaba yaroi.
[para 17] [1033-F-G]

1.3 Medical witness ama na piba khudam changdam leiba warol asi criminal case amdadi yamna maru oiba mateng oi . Masidi mitna uhouba sakhi amagi wafam da achum chumda yengba ngak natte . Masisu tonganba maningtamba sakhi-gi warol oina lougani maramdi masidi sakhising gi chindagi taba wafamdagi tasengna khennei. Prosecution na puthorakpa medical report aduna case asigi achouba ngaklou ni maramdi masina asokpaci maramdu siriba maralda hairibadu chummy haina praman touhalli. P.W.8 Asokpa informant adubu laiyengliba Doctorna yamna tasengna hai madudi informant ta fangliba asokpa adu nongmei na Kappa dagini. Feet 6-7 lappa mafamdagi misak amana nongmeina kaplakpada asokpa mafam amasung akoibada khamdekpa chakpa gumba uroi.[para 18][1014-D-F}

1.4 Prosecution sakhibu yamna kupna wahang paohang toubada tasengna khangle madudi Appellant aniduna Informant aduna mahaki faklang semjin lingeida athingba pirubada chinda paodanadduna khatnakhi. Masi sakhi pumnamakna chap mannana appellant anidu thoudaok thokfam da lei haibasi chummy hairi. Mitna uhouba sakhi pumbana Appellant anidu nongmei pai haibasi seng na hairi. PW 8 laiyengliba Doctor na khudamga loinana wafam asi chummy haina sougatli madudi Informant ta leiriba asokpasi nongmei na panbagi asokpani amsung asokpa adu hakchang gi yamna maru oiba saruk tadi natte.

1.5 “ Asokpa” haibasi gi achamba wahanthokti kanagumba amagi hakchang da cheina piba, sodd-panba thok-hanba natraga laina ama hekta nahanba thou-ong aduni. Section 324 I.P.C na piribaga manana karigumba matamda asokpa du touge haiba wakhal ga loinana toubayai natraga khudong thiningai oiba khutsu khutlai sing natraga pambei amana oihanba Yai . Kana gumba misak aduna touge haiba aningba ama yaona attopada khudong thiningai oiba khutlai paiduna natraga khudong thiningai oiba pambei sijinaduna Section 324 I.P.C manung chanba maral ama langsinba matamda adugumba misak adu chahi ahum gi fadok dandi fangani amsung loinana fine su pigani. [Paras 20-21] [1035B-C; 1036 B]

1.6 Prosecution sakhi gi khudam yaoba wafam dagi masmadi sengle madudi Appellant ani amasung informant ki marakta lao khongnaduna khatnaba dagi makha taba oina Appellant ani aduna nongmei sijinaduna Informant adugi masada asok apan thokhanle . Prosecution sakhina piba warol dagi masimasu henna mayek sengna khangba ngamle madudi party singdugi marakta hanna mamangda lamgi wahoudagi yengthinaba leikhi , haibasi makhoigi thoudok adudagi khangle . Aduna section 324 I.P.C. makhada Appellant aniduda maral siribasi chumle haina utle . Section 324 na piribadi aningba a ma yaona khudong thiningai oiba khutlai haibadi nongmei paiduna mee amada asok apan thok- hanbagi maral adu chumlabadi makhoi Arms act ki section 27 gi makhada dandi dagi nanthoktu na chenba yaroi [Para 22][1036-B-E]

1.7 High Court na Appellant anibu IPC Section 324 amsung Arms Act ki section 27 gi matung inna langjakhiba maraldugi niyam chumna cheirak pikhibani. Wakat thangatliba Wayel order aduda khut thingjilunabagi maram amata leite [Para 23][1036 – E]

Narayan Chetanram Choudhury & Anr. Vs State of
Maharashtra (2000] 8 SCC 457 : (2009) 3 Suppl. SCR

Mari leinaba Cae Law

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CRIMINAL APPELLATE JURISDICTION : Criminal Appeal No. 150 of 2020

Patna High Court na Cr.Appeal (SJ) No.69 of 2007 gi matangda date 16.01.2018 ta takhiba wayel

Loinana

Criminal appeal No.151 of 2020

Mrs. Anjana Prasad, Sr. Adv, Anuj Prakash. Ms .Jaikriti S. Jadeja, Prabhat ranjan Raj, Shantanu Sagar. Appellant singki Ukil sing.

Abhinav Mukerji, Saket Singh, Ms. Sangeeta Singh. Mrs.Niranjan Singh. Respondent sing gi Ukil

Gourav Aggrawal third party gi ukil oina

Court ki judgement laothoklibana

KRISHNA MURARI. J

1.Appellant singna mari leinaba appeal anisida date 16.01.2018 ki Patna High Court na takhiba apunba judgement amasung order adubu singnaduna wakat tharakli.

Case asi Appellant singduna Crimnal Appeal (SJ) No. 69 of 2007 gida Patna gi High Court (matangsida 'High Court' haina palli) na Trail Court na Appellant singbu Indian Penal Code (samjinna IPC) section 307, amasung section 34 gi makhada fadok pikhiba order adu khara semdoklaga Arms Act ki section 27 gi makhada fadok pibagi order adu confirm tpukhi bagi mayokta tourakpa appeal ni. Trail Court na Appellant singbu Arms Act 307 amsung section 27 gi makhada fadok pibaga loinana makhoibu Section 307 gi makhada chahi 5 thabak suba jailda leinaba amasung fine oina Rs 5000 pinaba Rai takhi . Amuk Arms Act ki Section 27 gi makhada chahi ahum gi thabak suba jail amasung fine oina Rs 2000 pinaba rai pikhi Appellant sing na High Court ta appeal chatlii . High Court na IPC Section 307 amsung Section 34 matung inna takhiba rai du IPC Section 324 da onthoklaga chahi ani thabak suba fadok amsung sel oina Rs 5000 pinaba amsung karigumba sel thiba ngamdragana tha 3 amaga sangdoklaga jailda icham chamba fadok oina leinaba rai tai. Trail Court na Section Arms Act 27 gi makhada chahi ahum thabak suba jail da leinaba takhiba wayel adubu chummy haina henna mara chetsinhalli. Wayel aduna awaba oihalle haiduna Appellant aniduna Eikhoigi nakta lakle.

2. Prosecution case adu samlapna makhagi asumnani.

P.W. 6 (asokpa informant) Kumar Nandan singh na Dr. Himkar gi Clinic ta pikhiba fardbayan(warol) gi matung inna Police na Lakhisarai Police Station da IPCSection 323,307 amasung Section 34 gi makhada amasung Arms Act ki Section 27 gi makhada Case No. 312 of 1999 date 10.10.1999. piduna FIR ama register tou-ee. Soklaba PW-6 na mahaki fardbayan da asumna hai madudi awaba thoudok thokpa numit tugi chaorakna 5.30 PM gi aduwaida mahakna nong chubadagi kinthakhraba leipalgi leirang (kutchu mud wall) adu sinmi khara neklaga semjillingeida mahaki yumlonnaba maral lei haina louriba (accuse) Appellant Manoj Singh na laklaga mahakna semjilliba leipaldu yaroi haina yetkhi . Informant na mangonda lam adugi mahakini haina haikhi. Madugi tungda Manoj singh na mayumda chatkhraga co-accuse Anuj Singh ga loinana makhuta nongmei amamam pairaduna lakhi. Atoppa accuse ani, Praveen Singh amasung Arvind Singh su makhuta ta amamam pairaduna lakhi. Makha tana mahakna haibada Manoj singh amsung Anuj Singh anina fattaba wakhal amaga loinana mahakpu hatlage haiba wakhalda nongmei kalpak khi. Manoj Singh gi Nongmdei daga kaplakpa nongmei maruna mahaki oithangba khong da aduga Anuj Singh gi nongmei daga kaplakpa maruna mahaki khutta sok khi. Mahakna makha tana haikhi madudi Praveen Singh amasung Arvind Singh na makhutta Ta amsung Chei paiduna mangonda fu cheiba hourak-khi. Nongmei Makhol tabada mahaki imung gi meeyoisung amsung atoppa khunja sing su mafamduda lakhi. Meeyam du lakpa ubadagi accuse makhoi maridu makhoi makhoi gi mayumda chensinkhi. Mahakna Makha tarakpa oina haibada mahak Dr.Himkar gi clinic ta soklaba fibam aduda pukhatlakhi. Police thunglaraba matungda mahaki warol police ta pikhi .

3.Soklaba PW-6 na mathakta haikhiba wafam gi matung inna numit tu maktada FIR ama chankhi. Adum oinamak numit tuda Chief Judicial Magistrate ta thabagi mahut ta numit nini gi matungda haibadi 12.10.1999 da oina thakhi. Thijin humjinba loiraba tungda Police na Charge Sheet ama IPC gi Section 307 amasung Arms Act ki Section 27 ga pullaga Appellant ani Manoj singh amsung Arvind singhgi mayokta pisinkhi. Atoppa mari leinariba co- Accuse ani Praveen Sing amasung Arvind singh gina IPC gi Section 307 amasung Section 34 gi makhada Charge Sheet thagat khi. Additional Judicial Magistrate na na Accuse anigi mayokta lakpa charge sheet tu date 01-09 - 2000 da lousillaga case adu date 16-01- 2001 da Cort ki session da wayel chathanaba lousily.

4.Trail court na Prosecution Sakhi na pirakpa warol kupna neinaraba amasung date 22.12.2006 ta pikhiba judgement amasung order ga mari leinaba defence ki evidence kupna neinaraba matungda Appellant accuse ani Anuj Singh amasung Manoj Singh amasung attoppa chenariba Co-accuse ani Praveen Singh amsung Arvind Singh bu IPC Section 307 amsung 34 gi makhada fadok pikhi Appellant anidu Arms Act ki Section 27 ki makhada cheirak fangba yaba maral ama langsile haina loughani . Accused marimak IPC gi Section 307 amsung Section 34 gi makhada chahi 5 gi thabak suba jail amsung makhoi amaman na fine oina Rs 5000 thiba karigumba masi soiragana attoppa tha 6 amagamuk Thabak suba jail da leiba haina rai takhi. Appellant ani adubuna makha tana Arms Act ki Seection 27 gi makhada chahi 3 thabak suba jail da amsung fine oina makhoi amamam na Rs. 3000 thiba karigumba fine du piba ngam -dragana makha tana tha 3 amuk leiba haina rai takhi.

5. Criminal Appeal anikhak High Court ta thang gatlakhi. Accused ani Praveen Singh amsung Arvind singh na criminal Appeal (SJ) no. 16 of 2007 aduga houjik ki hairiba Appellant ani na Criminal Appeal (SJ) 69 of 2007 asi makhoibu fadok pibagi rai adu singnaraduna tharak khi.

6. High court na case animakta chap mannaba judgement amana wakat thang gatlib Rai asi date 16.01.2018 takhi. Praveen Singh amsung Arvind Singh na tharakpa criminal Appeal (SJ) No.16 of 2007 gi matangdadi High Court na Case adu thaba yahalli makhoigi fadok amsung miyat(sentence) adu chatnahandana thamkhi amasung makhoi ani case asida maral leite haikhi

7. Appellant anina tharakpa Criminal Appeal (SJ) No.69 of 2007 gi matangdadi, High Court na IPC Section 307 amsung IPC Section 34 gi makhada takhiba fadok ki rai adu Section 324 IPC da semdoklaga Trail Court na takhiba Rai adu chahi ani gi thabak suba fadok amsung sel oina Rs. 5000 thiba, ngamdragana tha ahum amuk achamba fadok oina leinaba onthok-ee. Adum oinamak Appellant aniduda Arms Act ki Section 27 ki makhada piriba fadok amsung rai adubudi ayaba pikhi.

8. Eikhoina Appellant sing gi maikeida lepliba learned Senior Counsel Mrs. Anjana Prasad amsung Respondent state ki maikeida lepliba learned Counsel Mr. Abhinav Mukerji, Mr. Saket Singh gi amasung Shri Gourav Aggrawal third party gi warolsing tare.

9. Learned Counsel Mrs. Anjana Prasad Appellant sing gi leplibana Yamna kanba wafam thamladuna hai madudi conviction asi Arms Act ki Section 27 gi makhada oirabasu record oiba yaba pot chei haibadi nongmei fagatpa amsung nongmei maru natraga apikpa nongmei marugumba matum taba potsak thoudok thokam dagi fang-ee haibagi fabagi record leite. Mahakna masimasu haikhi madudi fardbayan du date 10.10.199 da record tourabasu amsung FIR numittu maktada register tourabasu hairiba FIR adu Chief Judicial Magistrate ki mafamda dadi Date 12.10. 1999 lankhat khi. FIR thengna pikhatpagi maram sandokna haidaba maramna Prosucution na thamliba wafam pumnamakta chingnaba pokning ngai oi.

10. Prosecution sakhi gi warolda Eikhoigi pukning chingsinladuna mahakna witness singna khennaba wafamsing thamkhiba singdu panduna haikhi amsung yamna kanna prosecution witness sing gi khennaba wafamsingdu puthorakhi maduna prosecutiongi wari duda chingnabagi mami ama tahalli haina haikhi. Masina maram oiraga Appellant singbu lanna fadok tahalli amsung makhoibu thadokfam thok-ee haikhi.

11. Respondent ki maikei da lepliba learned Counsel amsung Intervener na Court ta asumna thamkhi madudi High court na sakhising gi warol singdu kupna neinaraba tungda yamna chumna appellant singdu fadok pikhibani amsung wakat chstliba order aduda law gi oiba asoiba amata leite amsung masida khut thingjining ngai leite.

12. Eikhoina party sing gi (animaki) learned Counsel singna thamlakpa wafam khannare amsung leiriba record sing munna pare.

13. Ekhoina khana nabagi damak Appeal asina pukhatlakliba maru oiba wafamdi Appellant ani Anuj Singh amsung Manoj Singh da IPC gi Section 324 amasung Arms Act ki Section 27 gi makha piriba fadok asi chatnaba yabra haibasini.

14. Prosecution na sakhi 9 machil hang le amsung defence ki maikei gi sakhi 2 puthorak khi. Prosecution sakhi sing gi wafam singdu neinabadagi fanglakpa wafam makhagi asumna oi.

- a) PW-1amsung PW-2 Bidyasagar amasung,Anil Singh anisi chunadaba, oire haina prosecution na laothokle.
- b) PW-3 Janardan Singh na haibada date 10.10.1999 gi 5-30 pm da thoudok ama thok khi. Matamduda mahak masa mahak ki loubuk tagi Bajrarangi Mandir da lakhi amsung mahakna Kumar Nandan Singh na masagi leipalgi faklang semjinduna leiba ukhi. Matamduda maral lei haina louriba (accuse) makhoi pumnamak lak khi amasung Kumar Nandan Singh da chei thangduna ngangkhi. Sigi tungda accuse singduna makhoi makhoigi mayumda changkhraga, Anuj Singh amsung Manoj Singh na nongmei pairaga amuk lakh khi, aduga Praveen Singh amsung Arvind Singh chei amsung ta pairaga lak-khi Kumar Nandan Singh na matamduda manakta leiramba mee-oi khudingda thoudok thokpfam dudagi chenkhinaba laokhi. Tanja asimaktada accused Manoj Singh na Kumar Nandan Singh da nongmei maru ama kapkhi, maru aduna mahak ki oigi khongda pankhi. Accused Anuj Singhna anisuba maru ama kalpak- khi maduda Kumar Nandan Singh leimaida tukhirami. Adugi tungda accuse khudingmak thoudaok thokfam adudagi chenkhini. PW-3 bu kupna wahang paohang toubada mahakna haikhisi Accuse Manoj Singh thoudok thokpa mafamduda lei. Mahakna masimasu makha takhi madudi Nongmei maruna panbadagi sokpana maram oiduna Kumar Nandan gi masadagi ee chentharak khi amasung maduna maram oiduna mahaki mafi marol ee teikhi. Mahakna makha tarakpada haikhiba wafamna Lakhisarai Referral Hospital si mahaki mayum amsung Doctor Himkar gi clinic ki marakta lei, adum oinamak doctor adudi Referral Hospital aduda leiramde, maram asina Kumar Nandan Singh bu laiyengnaba Dr. Himkar gi lanai clinic ta pukhatkhi.
- c) PW-4 Naveen singh gi warolda hairibana thoudok adu date 10-10-1999gi 5.00 pm da thok khibani. Matamduda mahak Bajrarangbali mandir gi manakta leptuna lei amsung Kumar Nandan Singh na mahaki faklang semjilli. Tanja asida accuse Manoj singh lak khi aduga faklang semjinba toknaba haikhi. Masida makhoi anigi marakta lao khongnaduna khatnakhi. Madugi tungda accuse singdu mayum mayumda changnakhi. Accuse Manoj Singh amsung Anuj Singhna amuk mayumdagi halaklaga Kumar Nandan Singh da nongmei na .

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kap-pi, mahaki makhongda palli. Laorakpa tabadagi Accuse singdu mafam adudagi chenkhi. Makha taba cross examine da PW-4 na nongmei maruna sokpana maram oiduna khong amsung khut tagi ee chentharakhi haibasi chummy haikhi. Mahakna makha tana masimasu fongdok khi madudi accuse manoj Singh si Goverment Service ta leibani adubu matamduda mahak thoudaok thokfamda leikhi

d) PW-5 Gauri Shankar Singh, fardbeyan da masagi khutyek piba misaksing gi manungda amani adubu khuyek adu masagini chummy hainadi haikhide. Mahakna mahaki warolda fongdok khibasi, thoudok adu 10.10.1999 gi 5.00 pm da thok khibani amsung matamduda Kumar Nandan Singh masasi mahaki masagi faklangsemjinduna lei. Accuse Manoj singh laklaga semjin sajinbagi thabak adu lepnaba haikhi. Mabanigi marakta Lao khongnaduna khatnaba hourak khi. Madugi tungda Accuse Manoj Singh mayum tamna chensinkhraga makhutta nongmei ama pairaga hallak khi. Anju Singh su nongmei ama pairaga lak khi aduga Praveen Singh amsung Arvind Sing na makhutta ta amsung chei pairaga lakh khi. Accuse Manoj Singh na Kumar Nandan da nongmei kapkhi, makhongda panduna sok khi. Anuj Sing nasu nongmei kapkhi, Kumar Nandan gi pambom da pankhi. Cross examination aduda PW-5 na haikhibasi Acuse amsung Kumar Nandan Singh anigi marakata khatnaba ama lei haiba wafam sini. Mahakna masimasu haikhi madudi Kumar Nandan Singh gi khong amsung khut ta nongmei marugi asokpana maram oiduna ee thorak khi. Mahakna makha tana fongdok khibada Manoj Singh amasung Anuj Singh na kapkhiba nomei maru du lam (hand) 6-7 ki arappadagini. Nomei adu chap manana lappa mafamdagi kapkhibani

e) Case asida asokpa amsung informant oiriba Kumar Nandan Singh, PW-6 na haikhibada thoudok adu date 10.10.1999 gi 5.30 pm da thok khi Matamduda mahak mahaki faklang semjilli. Accuse Manoj Singh na Motor Cycle amada laklaga sorok mapanda faklang semjiliba karigino haina hanglakhi maduda mahakna masagi lamda faklang khabani Haina khumkhi. Masidagi makhoi anigi marakta lao khong naduna Khatna cheinaba hourak khi . Accused Manoj Singh amasung Anju SinghNa nongmei pairaga , Arvind singh amasung Praveen Singh na chei Pairaga lak khi. Madugi tungda accused Manju Singh amasung Anju Singh na nongmeina kaplakpada mahaki oigi khong amasung yetki pambom da pankhi maduna maram oiduna mahak leimaida tukhi amsung gyan mangkhi. Khudakta mahakpu Dr. Himkar gi Private Clinic ta pukhatkhi amsung layengbagi thabak chat thakhi. Mahakpu makha tana wahang paohang toubada PW-6 na haibada chahi 3 gi mamang da mahaka Accuse aduga lam yenaba matamg ama leikhi. Mahakna makha tarakpada haikhi madudi mahak wantheaduna leiba maramna mahaki masadagi ee thorak-ee haibadi ngamde . Mahakna

masimasu haikhi mahaki feijom amsung pumyat animak ee na luplaga leiramle. Police Inspector duda mahakna magi fee rol singdu uhanbada lousinlu haiba yakhide.

- f) PW-7 Jagdish Singh na haikhi madudi thoudok thokpa matam duda mahakna Kumar Nandan singh na sambal gi faklang du lambi mapan faoba sandorakna semjinba ukhi. Masida Praveen Singh, Anuj Singh, amasung Arvind Singh mafamduda lak khi amsung Kumar Nandanda khut thaba hourak khi. Laorakpa tabadagi Vinod Singh pistol ama pairaga Kumar Nandan da kapkhi maduna maram oiraga mahak ki makhong amasung makhut ta asokpa leikhi. Makha tana wahang chathabada PW-7 na hainhibada accuse Manoj Singh di thoudok thokpa mafam duda leiramde haikhi
- g) PW-8 Dr.Himkar singh na soklaba informant Kumar Nandan Singh bu laiyengkhi haikhi. Mahakna haibada date 10.10.1999 da, mahakna Additional P.H.C. parsana oina posting taringeida Kumar Nandan Singh bu yensinbada makhada piriba asokpasing asi thengnakhi.

1(A) Faojinkhigibagi sokpa: Athouba machintumba na sokhanba , 1/6" na diameter oiba manunglomda faojinkhiba mafam ama yetki pambom mathakta khudangdagi 2" naknana lei. Unsada haifet chakthekpagi mayomgsu lei.

B) Faodok khibagi asokpa : Atumba potsak amana thingairamba ¼" gi diameter oiba mafam ama yet ki pambom mathaki tongthokpa sarukta mathaki asokpa mafam A ga chap manaba pareng da lei

li(A) Machin tumba potna thingaibagi asokpa ama 1/6" diameter muk chaona oigi khong gi nakangi sarukta khuk-u dagi 6" rom lapna lei. masi faojinkhibagi asokpani maramdi asokpagi machindu manung lomda kutsilli.

(B) Faodokfam gi asokpa; Machintumba athouba potna thinbagi asokpa ama ¼" pakna oigi khonggi nakangi sarukta IIA da sokliba mafam ga pareng oina leiba thengnei. Sokpagi mafam gi machindu manung lomda kutsili.

(III) Medical report ta utpa mami singdagi fangbada Asokpa du 6 hrs ki manungda thokpani. Asokpa mafam khudingmak nongmei marudagini amsung icham chamba mayongni.

Mahaki makha taba wahang paohang chathabada Dr Himkar na haikhibada mahaki lanai gi angamba thak ta mahakna asokpa informant adubu laiyengkhi amsung mahakna Police tasu thoudok adugi matangda pao pikhi . Mahakna makha tana haikhibada feet 5

gi wangmadagi kaplakpa matam da asokpa aduda maru faojinfam amasung faodokfam haiba ngamde. Mahakna amuk hanna haibada maya thoudaba potsak amata fangkhide amasung khong khut ki mafamsi sokpada siba yaba hakchang gi saruk ti natte.

h) PW-9 Ram Anup Mehto, Case ki IO na haibada date 10.10.1999 da mahak Lakhisarai PS ta posting tari amasung hairiba numit aduda case asi thijibnaba mangonda sinnei. Thinjinbagi thabak chatharingei manungda informant ta wahang chathei amsung Sodhi khun da leiba thoudok thokpa mafam dasu chatlui. Mahakna masimasu haikhi madudi hairiba lam adugi yetnaba ama party singdugi marakta asum chathaduna lak khi. Mahakna makha tana atoppa sakhising gi warol su loukhi . Mahakpu wahang paohang chathabada mahakna Accussed sing gi warol di loukhide haina tham khi.

15. Defence ki maikidagi sakhi ani wahang paohang toukhi . DW-1 Shivendu Ranjan da thoudak thokfam da accuse du leite haibagi matangda wahang toukhi Mahakna haibada accused Manoj singh Islampur Block ta Junior Engineer oina postingda lei, hairiba numit tuda mahak thoudok thokfam duda leite . DW-2 Manish Kumar kou-ee . B.D.O. Islampur na Attendance Register check touraba tungda mari leinana S.I Lakhisarai da thaba original chithi du mahakna fangle haibagi ayaba pikhi. (Ext.A)

16. Sakhi sing na court ta pikhiba warol singdu yamna kupna neinaraba tungda wafam asi chumle madudi Appellant ani , Anuj Singh amasung Manoj Singh thoudok thokafam da nongmei pairaga leikhi amasung Appellant singdugi thoudou na informant PW-6 ta asok apan thokhankhi. Manoj Singh na mahaki **defence Plea** da mahak thoudok thokfam da leite mahakti Islampur Block ta lei haibasi thajahanba ngamde maramdi mafamduda office ki Attendance Register leite amasung prosecution sakhina tasengna hai madudi Appellant Manoj Singh thoudok thofam duda lei.

17. Thoudok thokpa gi matam natraga khong- khut ta sokpagi matangda khennaba wafam macha macha leiba yai.Adubu Sakhising na hairakpada lengdaba wafam amadi Appellant singdu nongmei pairaga thoudok thokfam da lei amasung makhoina informant PW-6 ta asok apan thokhankhi. Matangsida Court simakna *Narayan Chetanram Choudhury & Anr. Vs. State of Maharastra* (2000) 8 SCC 457 gi matangda mityeng thamladuna hai madudi di Criminalgi bichar amada sakhising na haiba wafamda khara khajik soina ba khennaba leidunsu Sakhi sing gi warol du hekta loudana hundokpa yaroi.

Sakhi sing gi warol da khennaba macha macha khara leibagi matang khana ringei, criminalgi wayel duda thamlakpa sakhising gi praman oiba yaba khudamsingdu lumna louraduna asumna mot piri madudi khenaba macha macha nat-taba , pot-cheigi oiba khudamsing da khenaba oirabadi sakhisingna thamkhiba wafamsing loudanabagi yumfam oiba yai. Bichar gi raigi warolgi para 42 asumna piri

42. Case ki praman oiba yaba pot chei sing court ta puthorakpada awat apa, louthok khiba nachingba yaorabadi sakhisingna court ta wasak laga haikhiba wafam singdu chummi haina loudaba yai. Police na piba warolsing manungda louthok khiba yaorabasu maduna Sakhi singna pikhiba warol chumde haibadi yaroi. Asigumba pot chei(material) gi warol pibada sakhi amna court ta pikhiba warolga mamangda mahakna hanna haikhiba warol ga khennaba leirabadi prosecution gi case adu chingna ningai oi . Puksel sengba sakhi singna piba warolda karigumbada manaraktaba macha macha yaoba, thokpa hounasani maramdi ningsingba haibasi marak marak ta soiba yao-ee amasung mee amaga mee amagagi marakta manadaba wakhalti mityeng leiba hounasani. Mamangda pikhiba warol da wat-houba, louthok khiba adu na icham cham yamnamak maru oiba natragadi haibadi houjik ki case asida thengnariba asigumba oirabadi madumakna PW-2 gi warolda mapangal sonthahanba oiba yaroi. Witness amagi warolda pot chei gi oiba point amada Khennaba leirabasu madumakna sakhi aduna piriba warol apunba dumak yadaba haibadudi yaroi.

18. Prosecution case amada mapung oiba ngaklou pinabagidamak tadi Medical witness amana piba khudam changdam yaoba waroldu yamana maru oi. Masidi mitna u houba sakhi amagi chin na haiba wafam du yengsinbagi wafam khakta nat tana masi to-nganba khudam changdam ama oi maramdi masina chin na piba warol dagi pumtop topna achumba wafam khara puthokpa ngamba gi fibam oihali. Court asina hanjin hanjin na haikhre madudi prosecution na puthorakpa medical evidence na case asibu sougatnaba maru oiba machak oi masina asokpa asi thok- hanba gi maramsi hanna khanaribadu chumi haina praman touri. Informant PW-6 bu examine touriba PW-8 Dr.Himkar na haikhre madudi informant ta oihalliba asokpa asi nongmei maruna thokhanbani amasung misak amana foot 6-7 ki mafamdagi kaplakpada asokpa mafam da tatpa, kathekpa nachingba udaba yai.

19 Prosecution sakhi singbu yamna kupna wahang touraba tungda mayek sengna khangle

- i) Informant, PW-8 (6 ?) na masagi faklang semjinba da athingba piduna Appellant ani Anju Singh amasung Manoj Singh na Informant PW-8 (6 ?) ga saonaba, khatna cheinaba thok khi
- ii) Sakhi pumnamak na date 10.10.1999 da Appellant anisi thoudok thokfam da leikhi haibasi chap chana chumna haikhi

- iii) Mitna u- houba sakhi pumnamakna soidre haiba wafam sima hairi madudi Appellant ani Anuj Singh amasung Manoj Singh makhoi animak makhutta nongmei pai.
- iv) PW-8 ki medical evidence , Dr. Himkar na sougatladuna hai madudi informant PW-8 ta soklibadu nongmei maruna panbagi asokpani.
- v) Asokpa adu informant PW-8 ki hakchangi maru oidaba sarukta oi.

20. 'Hurt' haibasi hakchang da anaba piba, asok apan nanghanba natraga laina tilna pokhanba thabak thou-ong adubu khang nagani haibasi pumnamakna khangnaraba wafamni. Karigumba matamda asok apan nangbasi touge haina toubu natraga khudongthiningai oiba khutsu khutlai paiba natraga khudong thiningai oiba pambei sijinabana oiba yai. Misak ama khudong thiningai oiba khutal natraga pambeina asok apan nangba yai masigi matangda IPC gi Section 324 na asumna hairi.

324 Khudong thiningai oiba khutlai pairaga natraga pambei na atoppa amada aningba amaga loinana asok apan piba – Section 334 gi makhada piribasing dugi manung chandaba Aningba amaga loinana asok apan thokhanba madusu posak amana haibadi nongmeina kappa, natraga thangna thinba , natraga kakpa- yanba natraga meesi mina thokpa yaba khutlai natraga mei gi matengna natraga mei iklaba potsak natraga hu gi matengna natraga chathatpa yaba potsakna natraga pokhaiba yaba potsakna natraga miyoibagi hakchangda sok-hanba yaba potsakpu sor honbada chingsinhanba, natraga yotsinhanba natraga hakchang - gi ee da kapsinba natraga sha gi matengna asok apan thoknaba asigumba langjaba maral asi leiraba matamda niyamda yaoribadi gi matung inna fadok piba yai, masi chahi ahum sangdokpa, natraga fine piba natraga animak oiba yai.

21. IPC Section 324 gi makhada maral langjare haibasi chummi utnaba makhada piriba machak sing asi soidana leigadabani.

1. Touge haiba aningbaga loinana accuse aduna atopa misak amabu asok apan piraba amasung:

2. Asigumba asok apan thok-halibasi

- a. Nongmei kappa yaba khutlai, kakpa yanba natraga thinba yaba natraga mee siba yaba khutlai natraga
- b. Mei natraga atoppa mei iklaba khutlai natraga
- c. Hu natraga atoppa chathatpa yaba potlamsing natraga
- d. pokhaiba yaba potsak natraga
- e. Sor chingsinbada, khanaoda yotpada natraga ee da kapsinbada hakchang da khudong thiningai oiba potlam sing natragaf.
- f) Sha sing gi matengna

Kanagumba misak amana IPC Section 324 gi makhada atoppa misak amubu aningba ama yaona khudong thini ngai oiba khutlai paiduna natraga khudongthiningai oiba pambeina asok apan nanghallaba adu oirabadi misak adu chahi ahumgi fadok natraga fadok amsung fine ga punna jailda thamba yai.

22. Houjikki khutta leiriba case asigi matangdadi, Prosecution sakhi singna piba praman amsung khudam nachingba dagi masimadi single madudi Appellant ani amasung informant PW-8 gi marakta khatna cheinaba ama thok khi. Masina maram oiraga Appellant anina nongmei sijinaraga Informant PW-8 ta asok apan nanghankhi. Prosecution sakhi na piba khudam singdagi wafam asima su sougatli madudi lam gi wahou dagi party anigi marakta hanadagi yengthinaba leirak- khi amsung makhoi gi thabak thou-ong sida masigi mami taba uba fang-ee. Aduna Appellant anigi mathakta IPC Section 324 gi makhada siriba maral si chumle haiba utle. Appellant sing gi mathakta IPC Section 324 gi makhada siriba maral, atamnana khudong thiningai oiba khutlai nongmei pairaga asok apan nanghanba haibasi chumle haiba hek Utpa matamda amasung Arms Act ki section 27 gi makhada chingliba khutlasing sijinaramlabadi cheirak fangbadagi makhoi nanthoktuna chenba ngamloi.

23. Mathakta achumba wafamsing amsung fibamsing si kupna neinaraba tungda High Court na niyam chumna Appellant singbau IPC Section 324 amasung Arms Act ki Section 27 ki makhada cheirak piba yaba maral langsinbagi damak fadok pikhibani. Eikhoina houjik ki yetnariba wakat chatliba court ki order da ayetpa pinabagi maram chaba fibam amatta thengnade. Appeal asi merit leite amsung maramsina kakthatle.

Nidhu jain

Appeal asi kakthatle