



2026:DHC:6836-DB



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 20.05.2026
Pronounced on: 19.08.2026

CNR No: DLHC010101802004

+ **CRL.A. 905/2004 & CRL.M.A. 84/2010**

STATE

.....Appellant

Through: Mr.Aman Usman, APP with
Mr.Manvendra Yadav Advs. SI
Rohit Ghahar, PS-Ashok Vihar.

versus

TIKKA RAM & ORS

.....Respondents

Through: Mr. I.A.Alvi, Mr.Azeem,
Advs.along with respondents in
person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

J U D G M E N T

RAVINDER DUDEJA, J.

1. This appeal has been preferred by the State against the judgment dated 10th March 2000 passed by the learned Additional Sessions Judge, Delhi (hereinafter referred to as the “*Trial Court*”) in Session Case No. 5/91 titled “State v. Tikka Ram & Ors.” (hereinafter referred to as, the “**impugned judgment**”), whereby the learned Trial Court acquitted the respondents of the charges under Sections 307/149 of the Indian Penal Code, 1860 (“**IPC**”). The respondent no. 5 Digamber was also acquitted of the charge under Section 27 of the Arms Act, 1959 (“**Arms Act**”). The State takes exception to the said impugned judgment.



2. Respondent nos. 2, 3 and 4, namely, Sawan Kumar, Om Parkash and Hukum Singh, have expired since the filing of this appeal, the appeal *qua* them, therefore, stands abated.

FACTUAL MATRIX:

3. The brief facts of the case, as noted by the learned Trial Court are as under:

“2. The case of the prosecution, as disclosed from the statement of the complainant Shahid Ali, is that he was residing in Jhuggi no. 293, Kh. no. 646, Sawan Park, Ashok Vihar alongwith his parents and on the day of occurrence i.e. 13.3.90 at about 6.30 P.M. he was present alongwith his father Rahat Ali outside his jhuggi and the accused Sharwan Kr., Digamber, Tika Ram and Hukam Singh, who also reside there, came and Sharwan Kumar is leader of CPM and Digamber was having a sword in his hand, Tika Ram was having a knife and the other were having lathies. They all said to his father that he had made four jhuggies out of one and used to pretend to be the leader of the colony and they would teach him a lesson, to which his father replied that he had not made any jhuggi. Thereupon Sharwan Kr. exhorted to beat him and all the five of them caught hold of his father and Digamber attacked his father with sword with an intention to kill him, which his father warded off with his right hand, as a result of which he received cut injury on his right hand. He was also beaten with lathies by those persons and he cried. Thereupon his neighbours Mahesh, Leela Dhar and Satish came to their rescue but they were also beaten up. Somebody informed the police and these persons ran away. Several other jhuggies residents had also collected and several persons had seen the occurrence. On this statement case was registered and after investigation challan was put up.”



4. Charges under section 307/149 IPC were framed on 16.02.1991 against the respondents, to which they pleaded not guilty and claimed trial. The respondent no. 2, Digamber was also charged with the offence punishable under Section 27 of the Arms Act.
5. In order to prove its case, the prosecution examined seventeen witnesses, including the injured persons.
6. The statements of the accused persons were recorded under Section 313 of Code of Criminal Procedure, 1973 [**Cr.P.C.**], wherein, they stated that they were innocent and were falsely implicated in this case by the complainant party in connivance with the police because of their previous enmity and political rivalry with the complainant. They stated that during those days when the incident occurred, verification of ration cards and *jhuggis* was going on. The complainant party had one *jhuggi* only, but they had made two gates in one *jhuggi* to show that they were having two *jhuggis* at the time of verification. They further stated that on 13.03.1990, a quarrel took place between the complainant party and certain public persons, in which the public persons caused injuries to the complainant party, but they and their family members were falsely implicated in this case. In their defence the respondents examined DW-1 Bihari Lal.
7. Upon consideration of the record and after hearing the rival submissions, the learned Trial Court found that the independent witnesses PW-1 Leela Dhar and PW-2 Nanak Chand have turned hostile and have not supported the prosecution's case and that there were material contradictions in the testimonies of the witnesses. The learned Trial Court observed that the evidence led by the prosecution



was not free from doubt and it was just possible that the accused persons were falsely implicated on account of political rivalries and, therefore, *vide* judgment dated 10.03.2000, the learned Trial Court acquitted the accused persons. The relevant paras of the impugned judgment read as under:-

“26. The story of prosecution, as stated in the complaint lodged with the police in the form of statement of Shahid Ali Ex.PW 7/A, is that accused Digambar had caused sword injury to Rahat Ali while all other accused persons were holding him (injured). This story however, is not supported by the first two witnesses PW1 & PW2 i.e. Leela Dhar and Nanak Chand respectively. These witnesses are alleged to be independent public witnesses. Moreover, the story putforth by the injured Rahat Ali himself is not to the effect that the accused persons had caught hold of him while he was attacked with sword by accused Digamber. He only stated that they had surrounded him whereas according to the complainant Shahid Ali PW7 accused persons had only abused them while accused Digamber caused sword blow on the head of his father Rahat Ali. Further more PW 14 Satish Kumar went to the extent of saying that all the accused persons gave beatings to Rahat Ali with their respective weapons, which as I have discussed above, is not the case of prosecution and there is only one injury on the person of the injured as proved in medical evidence vide MLC EX.PW5/F i.e. 'incise wound on the right hand 3 ½". Thus, the medical evidence falsifies the statement of this witness Satish.

27. On a consideration of this entire evidence, I find that there are material contradictions in between the statements of various witnesses examined by the prosecution irrespective of the fact that the so called independent witnesses PW 1 &



2 Leela Dhar and Nanak Chand have turned hostile and have not supported the prosecution case. In these circumstances it thus, appears that the evidence as led by the prosecution is not free from doubt. It is just possible that the accused persons were falsely implicated on account of political rivalries as admitted by Budh Sain having worked for CPM party with injured Rahat Ali.”

SUBMISSIONS ON BEHALF OF THE STATE/APPELLANT:

8. Mr. Usman, learned APP, who appeared for the State, submitted that the learned Trial Court erred in holding that there were material contradictions in the testimony of the witnesses. He submitted that the contradictions relied upon by the learned Trial Court are minor contradictions, not affecting the merits of the case. He submits that as many as six persons suffered injuries on their person. Except PW-1 Leela Dhar and PW-2 Nanak Chand, the remaining injured witnesses supported the occurrence.

9. It was further submitted that the testimony of injured witnesses are the best piece of evidence and strong reasons are required to be given to discard their testimony, but the learned Trial Court miserably failed to give any cogent reasons to doubt their testimonies.

10. The learned APP further submitted that the evidence reveals that all the injured persons were given beatings by the respondents. Merely because one injury was found by the doctor on the person of PW-4 Rahat Ali, does not mean that no occurrence had taken place. He contended that PW-4 tried to save himself and there is a possibility that he may have suffered internal injuries, not visible to the examining doctor.



11. It was further argued that the learned Trial Court erred in ignoring the recovery of weapon of offence, that is, a sword at the instance of respondent Digamber. The recovery of weapon of offence and the medical evidence corroborate the testimonies of the witnesses, who are trustworthy.

12. It was also argued that the learned Trial Court erred in overlooking the distinct and independent role of respondent No.1, Tikka Ram in the incident. He submitted that the evidence on record shows that PW-9 Mahesh sustained knife injury at the back of his leg, inflicted by respondent Tikka Ram, however, the learned Trial Court did not independently analyse this injury, and instead, considered the testimony of PW-9 only in context of PW-4 Rahat Ali. He further submitted that PW-9 was not merely an eye-witness but also an injured witness, therefore, his testimony carries greater evidentiary value, but no meaningful consideration was given to the injury suffered by PW-9 even though the MLC Report clearly records the injury as “simple” and caused by a “sharp” weapon.

13. It was further contended that the learned Trial Court acquitted the respondents by placing undue emphasis on the alleged contradictions in the testimonies of the witnesses as also the rivalry between both sides, without appreciating that the evidence regarding the individual act of both respondents was specific, consistent and corroborated by medical evidence. Furthermore, while respondent Digamber was responsible for the sword attack on PW-4 Rahat Ali, respondent Tikka Ram attacked Mahesh with knife, but the learned Trial Court failed to appreciate their specific roles.



SUBMISSIONS ON BEHALF OF THE RESPONDENTS/ACCUSED:

14. *Per contra*, learned counsel for the respondents submitted that that the learned Trial Court has rightly appreciated the evidence and recorded findings of acquittal against both the remaining respondents. The learned Trial Court observed in its impugned judgment that the prosecution story, as set out in the complaint of Shahid Ali (PW-7), that accused Digamber inflicted a sword injury while the other accused persons held the injured Rahat Ali, is not supported by the testimonies of the alleged independent witnesses PW-1 Leela Dhar and PW-2 Nanak Chand. Even the injured witness Rahat Ali did not state that he was held by the accused persons at the time of the alleged attack, but only that he was surrounded, thereby materially contradicting the prosecution version. Further, PW-7 attributed only abuses to the other accused while attributing the sword blow to Digambar, whereas PW-14, Satish Kumar, exaggerated the version by stating that all accused persons assaulted Rahat Ali with weapons, which stands falsified by medical evidence showing only a single incised injury. In view of these contradictions and the fact that key independent witnesses turned hostile, the learned Trial Court rightly concluded that the prosecution evidence was not free from doubt and that the possibility of false implication due to political rivalry could not be ruled out. He relied on the judgments of the Supreme Court in ***Sivamani & Anr. v. State represented by Inspector of Police***, 2023 SCC OnLine SC 1581 and ***Deepak v. State of Uttar Pradesh***, (2018) 8 SCC 228 in support of his submissions.



15. He also relied on the judgment on the Supreme Court in *Parshuram v. State of Madhya Pradesh*, (2024) 12 SCC 322, to submit that in cases where injuries are also sustained by the accused persons, doubt is created on the prosecution story as to whether it had brought on record the real genesis of the incident.

16. It was further submitted that the alleged recovery of the sword at the instance of respondent Digambar does not inspire confidence, as the weapon was neither sent for forensic examination nor was any opinion obtained to connect it with the injury of Rahat Ali. Moreover, no independent witness was associated with the recovery proceedings, rendering the same doubtful.

17. It was urged that it is a case of enmity between two rival groups and that Digambar had merely come to pacify the matter. This finds support from the inconsistencies in the prosecution evidence.

18. It is also submitted that the respondents have already undergone substantial incarceration of about two and a half years during trial, have no prior criminal antecedents, and have since reformed and settled in life. In these circumstances, it was argued that the acquittal recorded by the learned Trial Court is well-reasoned and calls for no interference. In furtherance, reliance was placed on the judgment of this Court in *Sumit Gupta v. State NCT of Delhi*, 2014 SCC OnLine Del 2035.

ANALYSIS AND REASONING:

19. We have carefully scrutinised the entire evidence on record, including the testimony of the injured witnesses, the medical evidence, the deposition of the complainant, and the circumstances in which the



occurrence took place.

20. While it is a settled law that an appellate Court is required to exercise caution while interfering with an order of acquittal, such restraint cannot operate as an impediment where the Trial Court has failed to appreciate the material evidence or has drawn conclusions which are contrary to the evidence on record or is perverse.

21. The prosecution case mainly rests on the testimonies of PW-1 Leela Dhar (injured), PW-2 Nanak Chand (eye-witness), PW-4 Rahat Ali (injured), PW-7 Shahid Ali (injured), PW-9 Mahesh (injured) and PW-14 Satish Kumar (injured).

22. Admittedly, PW-2 is completely hostile and has not supported the prosecution case. His detailed cross-examination by the learned APP has not yielded anything in favour of prosecution, and therefore, his testimony is of no help in establishing the guilt of the respondents.

23. PW-4 Rahat Ali deposed that on 13th March, 1990, while he and his son Shahid Ali were present in front of his *jhuggi*, all the accused persons came and surrounded him. They told that he was becoming the leader of the *Basti* and has constructed four *jhuggis*. Thereafter, accused persons caught hold of him and accused Digambar gave a sword blow on his head. He wielded the sword blow with his right hand. He further deposed that his son Shahid Ali was also beaten with *lathis* by the accused persons, and when Leela Dhar, Mahesh, Satish and Nanak Chand came there after hearing the noise, they were also beaten up by the said persons. Thereafter, he became unconscious at the spot. The overall testimony of this witness supports the prosecution case. This witness has categorically named the accused



persons involved in the assault and causing injuries on his person. Specific role has been attributed by him to accused Digamber for attacking him with a sword on his head. He gave graphic details of the incident. The presence of the witness at the spot has not been controverted in cross-examination. The receiving of injuries by this witness in the occurrence has remained unchallenged. The only suggestion given to the witness was that he wanted to open a new door in the *jhuggi* in order to create claim for fresh allotment of the *jhuggi*. PW-4 denied the suggestion that a quarrel had taken place between them and the public persons, who pelted stones upon them.

24. The testimony of PW-4 is straight-forward and cogent and inspires confidence as his presence at the spot was quite probable and natural. The witness himself suffered injuries in the incident and was removed from the spot to the hospital. So, there is no doubt about the presence of this witness at the time of occurrence. The material facts regarding the incident proved on record by PW-4 in his testimony have remained unchallenged and unrebutted. Nothing substantial has emerged in his cross-examination which may come to the rescue of respondent Digamber. The presence of other witnesses, along with this witness at the time of incident, has not been controverted. No suggestion was put to this witness in cross-examination that no role, as deposed by him in the examination-in-chief, was played by the accused persons in the occurrence. The accused persons did not deny their presence at the spot and also did not assert themselves to be present at some other place at the time of incident.

25. Prosecution further examined the complainant PW-7 Shahid



Ali. On the basis of the statement of this witness [Ex. PW-7/A], the present case was registered. He deposed that accused persons abused him and his father. The respondent Digambar gave a sword blow on the head of his father, his father wielded the attacked sword with his right hand and became unconscious. He further deposed that when he tried to save his father, he was given beatings by *lathis* by the accused persons. He further stated that respondent Tikka Ram caught hold of Mahesh and tried to inflict knife blow in his abdomen and when Mahesh tried to save himself, the said blow hit him on the back of his leg. According to him, Satish and Leela Dhar were also beaten by the accused persons with *lathis*.

26. The testimony of PW-7 substantially corresponds with the account given by PW-4, and importantly, explains how the injury came to be sustained on the hand, although, the attack was directed towards the head. He corroborated the version given by him to the police in his statement Ex. PW-7/A. He clearly named all the accused present at the time of occurrence. He ascribed specific roles of all the accused including the present respondents in his statement for causing injuries to himself, PW-1, PW-4, PW-9 and PW-14. In his deposition, the witness proved the contents of Ex. PW-7/A in *toto*. There is no material inconsistency between the statement given in Court and to the police, except that he did not specifically state that all the five accused persons had caught his father. His testimony provides a coherent account of the sequence of events, commencing with confrontation concerning the *jhuggis*, followed by the sword assault upon PW-4 Rahat Ali, the beating of PW-7 Shahid Ali and assault upon Mahesh



and other persons who intervened.

27. PW-9 Mahesh, another injured, deposed that respondent no. 1 Tikka Ram gave a knife blow on his right leg. His testimony thus independently corroborates the specific role attributed to Tikka Ram by PW-7. The fact that PW-9 describes the injury as having been caused by a knife, is consistent with the medical evidence, which records that the injury was caused by a sharp weapon. The testimony of PW-9 therefore provides a direct link between the overt act attributed to Tikka Ram and the injury actually suffered by him. The fact that the injury ultimately suffered by PW-9 was on his leg, rather than upon his abdomen, does not render his testimony inconsistent with the account of PW-7, since PW-7 specifically explained that Mahesh tried to save himself and the blow consequently landed on his leg. The two versions when read together, are complimentary rather than contradictory. The intervention of PW-9 in the assault upon Rahat Ali explains his presence at the spot and the circumstances in which Tikka Ram assaulted him.

28. PW-14 Satish Kumar deposed that accused Digamber was having sword in his hand, while other accused were armed with *lathis* and knives and they gave beatings to Rahat Ali with their respective weapons. He further stated that accused Digamber inflicted sword blow on the head of Rahat Ali while other accused inflicted injuries to Shahid Ali, Mahesh and Leela Dhar and when he tried to intervene, he was beaten and caused injuries on his face and was given fist blows in his abdomen.



29. The evidence of PW-14 may not attribute the specific individual role to every accused as that attributed by PW-7 or PW-9, but it materially corroborates the factum of collective assault, presence and participation of the accused persons at the spot.

30. The testimonies of PW-4 and PW-7 further find corroboration from the medical evidence. As per MLC Report Ex. PW-5/F, PW-4 suffered incised wound in his right hand. PW-13 Dr. C.P. Sharma deposed that on examination, he found that Rahat Ali suffered fracture in his right hand. The injuries were therefore opined to be grievous in nature. Thus, there is no reason whatsoever to disbelieve the testimonies of PW-4 and PW-7. The learned Trial Court, despite referring to their testimonies, failed to assign any cogent reason for discarding this material and corroborated evidence.

31. Similarly, the testimony of PW-9 Mahesh is corroborated by the testimony of PW-7 Shahid Ali. Nothing substantial has emerged in the cross-examination of PW-7 and PW-9, which may render their testimonies regarding infliction of knife injury to be doubtful. The MLC Report Ex. PW-5/C records the injury as simple and sharp in nature, thereby, corroborating the ocular account. Hence, there is no reason to disbelieve the testimonies of PW-7 and PW-9. The learned Trial Court, though referred to the testimony of PW-9, yet failed to deal with the same in its operative paragraphs and furnished no cogent reason for discarding his testimony.

32. On a cumulative reading of the testimonies of PW-4, PW-7, PW-9 and PW-14, it is clearly established that respondents arrived at the spot together, were armed with weapons, that is, *lathis*, sword and



knife, and they all participated in the assault following an altercation between co-accused Sarwan and PW-4 Rahat Ali. The active role played by the respondents Tikka Ram and Digamber in causing injuries has been proved beyond doubt. They shared a common intention to cause injuries, and in furtherance of their common intention, caused injuries.

33. PW-4, PW-7, PW-9 and PW-14 suffered injuries in the same incident. Being themselves the injured, their testimonies are more reliable. The testimony of an injured witness has its own relevancy and efficacy. The fact that the aforesaid witnesses suffered injuries in the same occurrence, lends support to their testimonies that they were present during the occurrence and saw the happening with their own eyes. In ***Akhtar and Ors. v. State of Uttaranchal***, (2009) 13 SCC 722, the Supreme Court held that credence to the testimony of injured eye-witness is to be given since their presence at the scene of crime is seldom doubtful. The relevant paragraphs of the said judgment reads as under:

“18. In Krishan v. State of Haryana this court has taken the view that if the prosecution case is supported by two injured eyewitnesses and if their (injured eyewitnesses) testimony is consistent before the police and the court and corroborated by the medical evidence, their testimony cannot be discarded. Similarly, in Surender Singh v. State of Haryana this Court has opined that: (SCC p. 251, para 9)

“9. The testimony of an injured witness has its own relevancy and efficacy. The fact that the witness is injured at the time and in the same occurrence, lends support to the testimony that the witness



was present during occurrence and he saw the happening with his own eyes.”

34. Similarly, in ***State of M.P. v. Mansingh & Ors.***, (2003) 10 SCC 414, it was held that the evidence of injured witnesses have greater evidentiary value and unless compelling reasons exist, their statements are not to be discarded lightly.

35. PW-1 Leela Dhar is also one of the injured, who suffered injuries in the incident. Merely because the prosecution examined him after he turned hostile, his entire testimony does not become inadmissible or worthless and cannot be effaced from the record. The Court can still rely upon that part of his statement which is found credible, consistent and corroborated by the other reliable evidence. In his testimony, PW-1 Leela Dhar deposed that on 13th March, 1990 at about 7:30 pm, when he came out from his house, some quarrel was going on, and in the said quarrel, he received a *lathi* blow. PW-13 Dr. C.P. Sharma, who examined the X-Ray plates of Leela Dhar, found fracture of right Ulna, on the basis of which, MLC Ex. PW-15/C records that such injuries were grievous in nature. Thus, the portion of the testimony of PW-1 that he suffered injury by *lathi* blow in the same incident, can be relied upon being consistent with other reliable evidence on record.

36. On the basis of the evidence led, we are of the firm view that both the remaining respondents shared a common intention to assault and caused injuries to Rahat Ali, his son Shahid Ali, and the other injured persons.



37. Prosecution also places reliance on the recovery of sword at the instance of the respondent Digamber. PW-8 Budh Sain is stated to be an independent witness of recovery. The testimony of PW-8 has been challenged on the ground that he had the *animus* to falsely implicate the accused, inasmuch as, he admitted in cross-examination that he had filed a complaint against co-accused Om Parkash and Sarwan Kumar under Section 326 IPC, in which, they were acquitted.

38. We are not inclined to dwell into the question of recovery of the sword for the reason that the same was not sent to FSL to confirm the presence of blood on the same. The sword was also not shown to the doctor who examined Rahat Ali, for obtaining the opinion that the injuries found on his person were possible by the said sword. The sword was also not got identified from the injured witnesses. That being so, it is not proved that the sword shown to have been recovered at the instance of Digamber, was the weapon of offence. The recovery of sword is, therefore, inconsequential.

39. The next question for consideration is as to whether non-recovery of weapon of offence, would be fatal to the prosecution case and lead to acquittal if there is other clear evidence implicating the accused in the crime. In the case of **Ambika Prasad & Anr. v. State**, 1997 SCC OnLine Del 341, as per the CFSL report, the gun produced was stated to have not been used for firing the fatal shots on the deceased. The Court was of the opinion that the gun, which was actually used for firing the fatal shot, remained untraced. Despite that, the Court observed that the non-recovery of the gun used for the commission of offence, shall not lead to any acquittal. Hence, in the



present case, even though it is not proved that the recovered sword was the weapon of offence and that there is no recovery of knife, *lathis* or *dandas*, in view of the clinching evidence of the injured eye-witnesses, the respondents are not entitled to any benefit.

40. Lastly, it was also submitted by the learned counsel for the respondents that none of the injuries suffered by the victims were on any vital part of the body. With regard to the injury suffered by PW-4, it was argued that such injury, even though attributed to have been caused by sword, was in the hand, and was thus, not on any vital part of the body of PW-4. It was also submitted that as per evidence, only one sword blow was given. The absence of injuries on any vital part of the body, coupled with the fact that there was only one blow with the sword, it cannot be inferred that the respondents had the intention as contemplated under Section 307 IPC.

41. Section 307 IPC deals with an attempt to commit murder. For conviction under Section 307 IPC, prosecution must establish intention or knowledge of the accused of the kind contemplated by Section 300 IPC and must also establish that an overt act was done in pursuance of that intention or knowledge, towards the commission of murder. The intention is to be generally inferred from circumstances. Since intention is a state of mind, it has to be inferred from the nature of weapon used, the manner in which the weapon was used, the part of the body targeted, the force and number of blows given, the words uttered before or during the assault, the motive where relevant, nature of injuries and conduct of the accused before or after the occurrence.



42. Section 307 IPC is essentially an offence done with the intention to commit murder. The result of the act - whether the victim suffered fatal, grievous, simple or even no injury is relevant, but it is not determinative. A single blow inflicted with a deadly weapon may, depending upon the circumstances, constitute an attempt to murder. In ***Roshan Lal v. State of Haryana & Anr.***, 2026 SCC OnLine SC 921, the Supreme Court held that the words 'such intention' found in Section 307 IPC, refers to the intention referred to in Section 300 IPC; it means: (i) intention to cause death; (ii) intention to cause such bodily injury, which the offender knows is likely to cause death; (iii) intention to cause such bodily injury, which is sufficient in the ordinary course of nature to cause death. The essential ingredient of the offence of attempt to murder is the intention to cause death. Once the requisite intention to commit murder is proved, the eventual outcome of the attempt becomes irrelevant, unless the attempt culminates in death, in which case, the offence would fall within Section 300 IPC.

43. There is specific evidence in the testimonies of PW-4 and PW-7 that respondent Digamber gave a blow on the head of PW-4 with a sword and PW-4 warded off the attack with his right hand, resulting in injury in his hand. It is also in evidence that respondent Tikka Ram tried to inflict knife blow in the abdomen of Mahesh. While Mahesh tried to save himself, the blow landed on the back of his leg, causing him injuries. Thus, the respondents used sword and knife and the attack was targeted on the vital parts of the body. The respondents cannot derive benefit from the fortuitous circumstance that the



intended blows did not land upon the intended vital parts targeted by them. The nature of injuries suffered by PW-9 Mahesh being simple, is therefore of no consequence. Thus, even though the respondents inflicted single blows upon the victims, the nature of weapons used and the vital parts of the body being targeted, leads to an inference that the respondents had the requisite intention, as provided in Section 307 IPC.

44. Upon an overall appreciation of the evidence, we are satisfied that Respondent No. 5 Digamber, armed with a sword, launched an assault upon PW-4 Rahat Ali and respondent No. 1 Tikka Ram, armed with a knife, inflicted a blow upon the abdomen of PW-9 Mahesh with the requisite intention or knowledge, as contemplated under Section 307 IPC. Their participation was not isolated but was part of a concerted assault, referable to Section 34 IPC.

45. Accordingly, the findings recorded by the learned Trial Court, thereby acquitting the respondent no. 1 Tikka Ram and respondent no. 5 Digamber, cannot be sustained. The impugned judgment to that extent therefore suffers from erroneous appreciation of the evidence and is liable to be set aside. In our view, the prosecution has established the guilt of respondent no. 1 Tikka Ram and respondent no. 5 Digamber beyond reasonable doubt, making them liable for offence punishable under Section 307/325/324/34 IPC.

46. During arguments, the learned counsel for the respondents had submitted that the incident arose on account of political rivalry. The respondents are first time offenders and are not involved in any other criminal case and have remained in custody for more than two years.



The respondents are now aged around 61 and 55 years, respectively. Though, the Nominal Roll of respondent Tikka Ram states that he has undergone sentence of only 1 month and 20 days, the learned counsel for the said respondent has relied upon the affidavit dated 16.05.2026 filed by the respondent, as also the record of the learned Trial Court, to contend that the actual period of custody of the respondent Tikka Ram is more than 2 years. Hence, he has prayed for taking a lenient view.

47. In our view, taking the above circumstances into account, especially the age of the respondents, no useful purpose shall be served by sending the respondents/convicts Tikka Ram and Digambar to jail more than 36 years after the incident, where, they may come in contact with hardened criminals. The complainant Shahid Ali and the respondents Tikka Ram and Digambar have since reconciled and has entered into an amicable settlement *vide* compromise deed dated 14th May 2026. A lenient view on sentencing is therefore justified.

48. The Trial Court Record indicates, that the respondents Tikka Ram and Digambar have already undergone incarceration of more than 2 years during the pendency of the trial. There is no evidence of subsequent criminal conduct and no prior criminal antecedents, and the contesting respondents appear to have reformed and settled in life and are having cordial relations with each other.

49. The criminal justice system in India embodies the reformatory theory of punishment. The object of sentencing is not merely to punish but to transform the individual into a law-abiding citizen, particularly where the circumstances do not disclose a continuing propensity for



violence and the offender is capable of reform. The Supreme Court in ***Mohammad Giasuddin v. State of Andhra Pradesh***, (1977) 3 SCC 287, while emphasizing the reformatory theory of punishment, observed as under:

“9. ...It is thus plain that crime is a pathological aberration, that the criminal can ordinarily be redeemed, that the State has to rehabilitate rather than avenge. The sub-culture that leads to anti-social behaviour has to be countered not by undue cruelty but by re-culturation. Therefore, the focus of interest in penology is the individual, and the goal is salvaging him for society. The infliction of harsh and savage punishment is thus a relic of past and regressive times. The human today views sentencing as a process of reshaping a person who has deteriorated into criminality and the modern community has a primary stake in the rehabilitation of the offender as a means of social defence. We, therefore, consider a therapeutic, rather than an “in terrorem” outlook, should prevail in our Criminal Courts, since brutal incarceration of the person merely produces laceration of his mind...”

50. In view of the special circumstances as explained above, in our view, no useful purpose shall be served by sending the respondents to jail. Both the respondents are, therefore, sentenced with imprisonment for the period already undergone by them in custody during investigation/trial with a fine of Rs. 20,000/- each, in default of payment of which, the respondents shall undergo Rigorous Imprisonment for a period of six months. The respondents are granted four weeks time to deposit the fine amount before the learned Trial Court. In the event of non-payment of fine, the respondents shall



2026:DHC:6836-DB



surrender before the Superintendent Jail to serve the default sentence of six months.

51. The appeal is, accordingly, disposed of. The pending application is disposed of.

52. Copy of this judgment be sent to the learned Trial Court and to the Jail Superintendent for information and necessary action.

RAVINDER DUDEJA, J.

NAVIN CHAWLA, J.

AUGUST 19, 2026/na