



2025:UHC:7246-DB

Reserved on: 01.08.2025

Delivered on: 14.08.2025

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Appeal No. 140 of 2017

14 August, 2025

Lalita Prasad Karnatak

--Appellant

Versus

State Of Uttarakhand

--Respondent

Presence:-

Ms. Pushpa Joshi, Senior Advocate assisted by Ms. Chetna Latwal, Advocate for the appellant.

Mr. J.S. Virk, D.A.G. with Mr. R.K. Joshi, Brief Holder for the State.

Corum: Hon'ble Mr Justice G. Narendar, C. J.

Hon'ble Ravindra Maithani, J.

JUDGMENT

Per: Hon'ble Ravindra Maithani, J.

The challenge in this appeal is made to the judgment and order dated 11.05.2017, passed in Special Sessions Trial No. 14 of 2016, State Vs. Lalita Prasad Karnatak and Others, by the court of Special Sessions Judge, Bageshwar. By the impugned judgment and order, the appellant has been convicted under Section 302 IPC and sentenced to life imprisonment and Rs. 20,000/- fine with further stipulations that in case of default in payment of fine, the appellant shall undergo rigorous imprisonment for a further period of one year.

2. The prosecution case, briefly stated, is as follows:
On 05.10.2016, the deceased Sohan Ram had visited the flour mill ("the mill") of PW4, Kundan Singh Bhandari, for grinding wheat. Suddenly, at 6:00 PM, the appellant appeared there, holding a



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sickle in his hand. The appellant abused the deceased with caste coloured remarks saying that as to how dare he visit the mill for grinding wheat, as due to his visit, the mill has become impure. The deceased Sohan asked the appellant not to speak in that manner, but the appellant hit the deceased on his neck by the sickle. Due to excessive bleeding, the deceased died at the spot. Upon having raised alarm, many villagers reached there. Anand Ballabh Karnatak and Ghanshyam Karnatak, who are the brother and the father of the appellant, respectively, also reached at the spot. They extended threats in caste coloured remarks.

3. According to the prosecution case, PW1, Ramesh Ram, the uncle of the deceased Sohan Ram was in the fields at the relevant time. When he got the news, he came at the spot. He was told by PW4, Kundan Singh, as to what had happened to the deceased. Thereafter, he lodged the First Information Report, based on which chik FIR was lodged and Case Crime No.09/2016, under Section 302, 506 IPC and Section 3(1)(x)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("the Act"), was lodged. The investigation was carried out. It was dark on the date of incident, therefore, the inquest was prepared on 06.10.2016, and post-mortem of the deceased was done on 07.10.2016. Only one injury was noted on the body of the deceased. According to the Doctor, the time of death was about 12-24 hours.

4. On 06.10.2016, after the inquest, the Investigating Officer ("IO") visited the place of incident. He took into possession the blood stained soil and plain soil and prepared its recovery memo. He also arrested the appellant and at the instance of the appellant, the sickle, which was used in the offence, was also



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recovered from his kitchen. The IO also prepared the site plan of the place of incident as well as the place from where the sickle was recovered. He forwarded all those articles for forensic examination. The forensic examination confirmed that the blood that was detected on the sickle belongs to the deceased. After investigation, the IO submitted chargesheet under Section 302 IPC and Sections 3(1)(r)(s) and 3(2)(v) of the Act against the appellant. Chargesheet was also submitted against the named accused, Ghanshyam Karnataka and Anand Karnataka under Section 506 IPC and Section 3(1)(r)(s) of the Act. On 02.01.2017, charges were framed on the appellant for the offences punishable under Sections 302 IPC and Section 3(1)(r)(s) and Section 3(2)(v) of the Act. The appellant did not plead guilty and claimed trial. Charges were also framed on Ghanshyam Karnataka and Anand Karnataka. They both have been acquitted of the charge. Therefore, the Court refrains from making any discussion about them.

5. The prosecution has examined as many as 13 witnesses, namely, PW1, Ramesh Ram, PW2, Harish Ram, PW3, Sohan Singh Bhandari, PW4, Kundan Singh, PW5, Dr. Ajay Bisht, PW6, Keshav Ram, PW7, Rajan Ram, PW8, Pradeep Kumar, PW9, K.S. Rawat, PW10, Shashi Prabha Tomar, PW11, Kailash Singh Dev, PW12, Fakir Ram, and PW13, Rayman Singh Nabiyal.

6. After prosecution evidence, the appellant was examined under Section 313 of the Code of Criminal Procedure, 1973 ("the Code"). According to him, he has been falsely implicated.

7. In defence, the appellant had produced four witnesses, namely, DW1, Trivendra Kumar, DW2, Prakash Chandra, DW3, Jagdish Chandra Pandey, and DW4, Pramod Singh



Dhapola.

8. After hearing the parties, by the impugned judgment and order, while the applicant has been acquitted of the charge under Sections 3(1)(r)(s) and 3(2)(v) of the Act, he has been convicted and sentenced under Section 302 IPC, as stated hereinbefore. Aggrieved by it, the appellant is in appeal.

9. Heard learned counsel for the parties and perused the record.

10. Learned Senior Counsel appearing for the appellant submits that the time of death is not certain; as per PW1, Ramesh Ram, he received information at about 4:00-4:30 PM that the deceased has sustained injuries, whereas, it is argued that as per the FIR, the incident allegedly took place at about 6:00 PM; post-mortem of the deceased was conducted on 07.10.2016 at 10:00 AM and it records the time of death is about 12-24 hours, which means that the prosecution case is not reliable. She also raised the following points in her submission:-

- (a) Had the blood stained soil been taken from the place of incident, it would have been shown in the site plan, Annexure A-29, but it is not so shown in it. Therefore, it makes the case doubtful.
- (b) PW7, Rajan Ram, is not named in the FIR. He has been introduced after consultation. His evidence is not reliable.
- (c) PW12, Fakir Ram, the father of the deceased, has admitted that they had no enmity with the appellant.
- (d) It is a case of single blow, which caused the injury. Therefore, it is not a case under Section 302 IPC, instead, it may fall under Section 304 Part II IPC.

11. In support of her contention, learned Senior



Counsel has placed reliance upon the principles of law, as laid down by the Hon’ble Supreme Court in the case of Kesar Singh and Another Vs. State of Haryana, (2008) 15 SCC 753. In the case of Kesar Singh (*supra*), the Hon’ble Supreme Court discussed the distinction between the first part and second part of Section 304 IPC. Having regard to the provisions of Sections 299 and 300 IPC, the Hon’ble Supreme Court observed as follows:-

“9. The distinction between the first part and the second part of Section 304 of the Penal Code, therefore, must be considered having regard to the provisions contained in Sections 299 and 300 of the Penal Code. Clause (a) of Section 299 corresponds to clause (1) of Section 300, clause (b) of Section 299 corresponds with clauses (2) and (3) of Section 300 and clause (c) of Section 299 corresponds with clause (4) of Section 300 of the Code. This can best be understood if Sections 299 and 300 of the Code are noticed side by side:

Section 299	Section 300
A person commits culpable homicide, if the act by which the death is caused is done	Subject to certain exceptions culpable homicide is murder, if the act by which the death is caused is done
(a) With the intention of causing death; or	(1) With the intention of causing death; or
(b) With the intention of causing such bodily injury as is likely to cause death; or	(2) With the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused; or
(c) With the knowledge that ...the act is likely to cause death	(3) With the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death; or
	(4) With the knowledge that act is so imminently dangerous that it must in all probability cause death or such bodily injury as is likely to cause death, and there is no excuse for incurring the risk.

10. The distinguishing feature is the mens rea. What is prerequisite in terms of clause (2) of Section 300 is the knowledge possessed by the offender in regard to the particular victim being in such a peculiar condition or state of health that the intentional harm caused to him is likely to be fatal. Intention to cause death is not an essential ingredient of clause (2). When there is an intention of causing a bodily injury coupled with knowledge of the offender as regards likelihood of such injury being sufficient to cause the death of a particular victim would be sufficient to bring the offence within the ambit of this clause. For determination of the said question, it would be convenient if the exceptions contained in Section 300 are taken into consideration as (sic and) if the case falls under the said



exceptions there would not be any question of applicability of the main provision of Section 300 of the Penal Code.

11. The distinction between culpable homicide amounting to murder and not amounting to murder is well known. Culpable homicide is genus, murder is its specie. The culpable homicide, excluding the special characteristics of murder, would amount to culpable homicide not amounting to murder. The Code recognises three degrees of culpable homicide. When a culpable homicide is of the first degree, it comes within the purview of the definition of Section 300 and it will amount to murder. The second degree which becomes punishable in the first part of Section 304 is culpable homicide of the second degree. Then there is culpable homicide of third degree which is the least side of culpable homicide and the punishment provided for is also the lowest among the punishments for the three grades. It is punishable under the second part of Section 304.”

12. On the other hand, learned State Counsel submits that the incident took place when the deceased had visited the mill of PW4, Kundan Singh. PW4, Kundan Singh, is a natural and reliable witness. Soon after the incident, PW1, Ramesh Ram, had also reached at the place of incident. He lodged the FIR, based on the information given to him by PW4, Kundan Singh. It is argued that, in fact, PW7, Rajan Ram, has also supported the prosecution case. He admits that it is a case of single blow injury, and there is no admitted enmity between the deceased and the appellant.

13. Before proceeding further, it would be apt to examine the evidence, which has been adduced by the prosecution in the trial.

14. PW4, Kundan Singh, is an important witness, who is the owner of the mill. According to him, on 05.10.2016, the deceased had visited his mill for grinding wheat. It was about 6:00 in the evening. The deceased was sitting on a bench. The grinding was underway. In the meanwhile, the appellant also came there. He had a sickle in his hand. He also sat with the deceased on the



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bench. They were talking to each other. Once the grinding was over, this witness closed the mill. The deceased and the appellant both came out from his mill. He was locking the doors of his mill. He had locked one door. He was still inside when he suddenly heard the deceased calling that the appellant has cut him. Immediately, this witness came out of the mill and saw that the appellant was running away from the place while still holding sickle in his hand. At that time, the deceased was crying that, "save me. The appellant has cut me." He was down on the ground. He was bleeding from his neck. This witness raised alarm and called some other persons at the place of incident. The deceased died. Police also reached at the place of incident at about 8:00-8:30 PM. PW4, Kundan Singh, has stated that the next day, the proceeding of the inquest was done. Police also arrested the appellant and at his instance, a sickle was recovered. He has proved the recovery memo. According to him, police has also collected blood-stained and plain soil from the place of incident and prepared recovery memo thereof. This witness has also proved his statement recorded under Section 164 of the Code.

15. PW1, Ramesh Ram, has proved the FIR. The contents of it have already been narrated hereinbefore. He has also proved the recovery memo of the sickle saying that it was recovered at the instance of the appellant from his kitchen. He proved those articles, including the sickle.

16. PW7, Rajan Ram, has given eye witness account of the incident. According to him, he was at a distance from the place of incident, when he saw the appellant attacking the deceased outside the mill. Out of fear he ran away and after a few days, he informed it to the police that he was witness of the incident.



17. PW2, Harish Ram, has not supported the prosecution case.

18. PW3, Sohan Singh Bhandari, is a witness of inquest.

19. PW-9, K.S. Rawat, is the person, who reached at the spot at about 8:30 PM. He was also accompanied by PW-11, S.I. Kailash Dev. PW11, SI Kailash Singh Dev, has stated that he recorded *Panchnama* on the direction and dictation of PW9, K.S. Rawat. PW9, K.S. Rawat, has also stated about the inquest and other documents, which were prepared for sending the dead body for post-mortem.

20. PW5, Ajay Bisht, conducted the post-mortem of the dead body on 07.10.2016 at 10:00 AM. He has proved the post mortem report. According to him, there was one incised wound present over the back of the neck, on middle point, with bleeding present over the whole of the neck. The size of the incised wound was 6 cm in length, 3 cm in breadth and 3 cm deep. According to this witness, the cause of the death was excessive bleeding, and spinal shock due to ante mortem injury over the back of neck. He has also explained that in the external examination, the rigor mortis was only on the legs, which remains till 36 hours of the death. According to this witness, the deceased could have died on 05.10.2016, at 6:30 PM.

21. PW6, Keshav Ram, is a formal witness. He has recorded chik FIR and entered it into his general diary entry of the police station. He has also stated about other general diary entries relating to the investigation of the case.

22. PW10, Shashi Prabha Tomar, is a Scientific Officer in the Forensic Science Laboratory, Dehradun. She has stated



about the forensic report. The report concludes as follows:-

“On the basis of above observations, it is concluded that:

1. Blood detected in the exhibit-1 to exhibit-7.
2. **Blood stains** obtained from the **Daranti: exhibit-1** (said to be collected from the kitchen of the accused house) and **Shirt: exhibit-3, Pant: exhibit-4, Belt: exhibit-5, Piece of Sari: exhibit-6 and Pair of sleepers: exhibit-7** (said to be of the deceased) are from the **same human male course.**
3. Blood was disintegrated in the exhibit-2 therefore origin of species could not be determined.”

23. PW12, Fakir Ram, is the father of the deceased. He was not the eye witness. He had given the caste certificate, family register, Ration card and other documents to the IO. He has stated about it. He has stated that he has no enmity with the appellant.

24. PW13, Rayman Singh Nabiyal, is the IO. He has proved the site plan, chargesheet, etc.

25. In defence, the appellant has also adduced evidence. DW1, Trivendra Kumar, has stated that the applicant is a teacher, and on 05.10.2016, he was in his school. According to him, on that date, he had seen the appellant returning to his home at about 8:00-8:30 PM. It does not help the defence because allegedly the incident took place at around 6:00 PM on that date. If thereafter the appellant returned to his home, it, in no manner, establishes that he has not committed the offence.

26. DW2, Prakash Chandra, has similarly stated that on 05.10.2016, at about 7:00 PM, the appellant was returning to his home.

27. DW3, Jagdish Chandra Pandey, has stated that on 05.10.2016, the appellant was in his school.

28. DW4, Pramod Singh Dhapola, has also stated about the presence of the appellant in the school on 05.10.2016.



29. The incident did not take place during school hours. It took place at about 6:00 PM. Therefore, the defence evidence, in no manner, discards the prosecution case.

30. Insofar as the time of death is concerned, it is true that PW1, Ramesh Ram, has stated that he received information at 4:00-4:30 PM that the deceased has sustained injury, but merely on this statement of this witness, it cannot be said that the time of death, as recorded in the FIR, is doubtful. The witnesses are villagers. It is not expected of them to reveal the time of incident with precision. Moreover, the statement of PW1, Ramesh Ram, in the first paragraph, itself, makes it clear that he had no watch on the date of incident. He is not literate. His estimation of time cannot be said to be precise. In fact, it is PW4, Kundan Singh, who is an important witness. According to him, the incident took place at about 6:00 PM.

31. It is true that the post-mortem of the dead body was done on 07.10.2016 at about 10:00 AM, and, according to the post-mortem report, the duration of death was about 12-24 hours. Based on it also, it cannot be said that the death could not have taken place on 05.10.2016, at about 6:00 PM because PW5, Dr. Ajay Bisht, has further explained it. According to him, in the post-mortem report, he has recorded time of death 12-24 hours. He has further explained that in the external examination rigour mortis was on the legs only, which remains upto 36 hours of the death. According to this witness, the death is possible on 05.10.2016, at 6:30 PM.

32. In the instant matter, the statement of PW4, Kundan Singh, is inspiring confidence. He has no reason to speak otherwise. He has been cross-examined extensively, but nothing



has been extracted in his cross-examination, which may, in any manner, doubt his testimony.

33. It may be noted at this stage that the version of the incident, as given in the FIR, is slightly different than what has been stated by PW4, Kundan Singh. According to the FIR, the incident took place inside the mill after a short altercation between the deceased and the appellant, whereas, it is not the case at hand. The genesis and execution of the offence, as stated in the FIR, has, as such, been not proved. As stated, PW4, Kundan Singh, is the sole person, who was in the mill, when the incident took place. His testimony is natural and is transpiring confidence.

34. The statement of PW4, Kundan Singh, reveals that when the wheat was being grinded in the mill of this witness, the deceased was sitting on a bench. The appellant also joined him and they started talking to each other. When both of them left and this witness was in the process of locking the door, he heard the deceased shouting that he has been cut by the appellant. And when he came out, he saw the appellant running with the sickle and the deceased bleeding from his neck, who subsequently died. This part of statement of PW4, Kundan Singh, is totally reliable. It rules out presence of any other person at the place of incident.

35. According to PW4, Kundan Singh, soon after the incident, the deceased told him that he has been cut by the appellant. This statement of the deceased given to PW4, Kundan Singh, is relevant and most important. It can be read into evidence. It establishes beyond doubt that the deceased died due to attack made on his neck with a sickle by the appellant.

36. There is another factor. Witnesses have stated that the sickle was recovered at the instance of the appellant from his



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kitchen, on 06.10.2016. The recovery memo has been proved. The sickle had blood on it, and the Forensic Science Laboratory confirms that it had blood of the deceased.

37. The presence of PW7, Rajan Ram, is not recorded in the FIR, but, merely because of it, his evidence does not become unreliable. But, fact remains that according to this witness, he revealed the incident to the police long after the incident. According to him, he was scared, therefore, he did not reveal it to the police, immediately about the incident. Though, he was there present after the incident also. It somehow doubts the credibility of this witness and undoubtedly, the statement of PW7, Rajan Ram, is not as such, which can be sole basis of conviction. But, in the instant case, leaving the statement of PW7, Rajan Ram, there is most reliable evidence in terms of statement of PW4, Kundan Singh, which is totally reliable.

38. Having considered the evidence on record, this Court is of the view that the prosecution has been able to prove beyond reasonable doubt that on 05.10.2016, at about 6:00 PM, the appellant hit the deceased on his neck by a sickle, due to which he died. Now the question is as to what offence is made out? Is it an offence under Section 302 IPC or does it fall under Section 304Part II IPC?

39. In the case of Kesar Singh (*supra*), the Hon'ble Supreme Court has laid down the distinction between the offence under Sections 299 and 300 IPC.

40. In the case of Pappu vs. State of M.P., (2006) 7 SCC 391, the Hon'ble Supreme Court interpreted fourth exception of Section 300 IPC, and observed as follows:-

“13. The fourth exception of Section 300 IPC covers acts done in a sudden fight. The said exception deals with a case of prosecution



not covered by the first exception, after which its place would have been more appropriate. The exception is founded upon the same principle, for in both there is absence of premeditation. But, while in the case of Exception 1 there is total deprivation of self-control, in case of Exception 4, there is only that heat of passion which clouds men's sober reason and urges them to deeds which they would not otherwise do. There is provocation in Exception 4 as in Exception 1; but the injury done is not the direct consequence of that provocation. In fact Exception 4 deals with cases in which notwithstanding that a blow may have been struck, or some provocation given in the origin of the dispute or in whatever way the quarrel may have originated, yet the subsequent conduct of both parties puts them in respect of guilt upon equal footing. A "sudden fight" implies mutual provocation and blows on each side. The homicide committed is then clearly not traceable to unilateral provocation, nor in such cases could the whole blame be placed on one side. For if it were so, the exception more appropriately applicable would be Exception 1. There is no previous deliberation or determination to fight. A fight suddenly takes place, for which both parties are more or less to be blamed. It may be that one of them starts it, but if the other had not aggravated it by his own conduct it would not have taken the serious turn it did. There is then mutual provocation and aggravation, and it is difficult to apportion the share of blame which attaches to each fighter. The help of Exception 4 can be invoked if death is caused (a) without premeditation; (b) in a sudden fight; (c) without the offender's having taken undue advantage or acted in a cruel or unusual manner; and (d) the fight must have been with the person killed. To bring a case within Exception 4 all the ingredients mentioned in it must be found. It is to be noted that the "fight" occurring in Exception 4 to Section 300 IPC is not defined in IPC. It takes two to make a fight. Heat of passion requires that there must be no time for the passions to cool down and in this case, the parties have worked themselves into a fury on account of the verbal altercation in the beginning. A fight is a combat between two and more persons whether with or without weapons. It is not possible to enunciate any general rule as to what shall be deemed to be a sudden quarrel. It is a question of fact and whether a quarrel is sudden or not must necessarily depend upon the proved facts of each case. For the application of Exception 4, it is not sufficient to show that there was a sudden quarrel and there was no premeditation. It must further be shown that the offender has not taken undue advantage or acted in cruel or unusual manner. The expression "undue advantage" as used in the provision means "unfair advantage".

41. In the case of Gurmukh Singh Vs. State of



Haryana, (2009) 15 SCC 635, there was a dispute with regard to a pathway and the appellant gave a *lathi* blow on the head of the deceased, due to which he died. In Para 11 of the judgment, the Hon'ble Supreme Court posed a question and in Para 12 of it, noted the significant feature of the cases as follows:-

“11. The short question which falls for consideration of this Court is whether, on consideration of the peculiar facts and circumstances of the case, the conviction of the appellant under Section 302 IPC should be upheld or the conviction be converted to one under Section 304 Part II IPC? Appropriate sentencing is a very vital function and obligation of the court.”

“12. There are significant features of the case which are required to be taken into consideration in awarding the appropriate sentence to the accused:

- (1) Admittedly, the incident happened on the spur of the moment;
- (2) It is clear from the evidence on record that the appellant was not using that path everyday;
- (3) The appellant gave a single lathi-blow on the head of the deceased which proved fatal;
- (4) The other accused did not indulge in overt act therefore, except the appellant, the other co-accused, namely, Niranjan Singh, Harbhajan Singh and Manjit Singh have been acquitted by the trial court;
- (5) The incident took place on 8-1-1997 and the deceased remained hospitalised and ultimately died on 14-1-1997;
- (6) The trial court observed that there was no previous enmity between the parties.

Therefore, it is abundantly clear that there was no prearranged plan or that the incident had taken place in furtherance of the common intention of the accused persons. When all these facts and circumstances are taken into consideration in proper perspective, then it becomes difficult to maintain the conviction of the appellant under Section 302 IPC.”

42. Having considered the law on the point, the Hon'ble Supreme Court observed that the appellant in that case ought to have been convicted under Section 304 Part II IPC instead of Section 302 IPC.

43. In the instant case, the following factors are to be taken into consideration for ascertaining as to which offence is



made out:-

- (i) The deceased was sitting on the bench in the mill of PW4, Kundan Singh.
- (ii) In the meanwhile, the appellant came and he also sat on the bench with the deceased in the mill.
- (iii) The deceased and the appellant, while sitting on the bench, were talking to each other. It was normal.
- (iv) When the grinding was complete, PW4, Kundan Singh, closed the mill and both the appellant and the deceased moved out from the mill. Uptil then also, they both were normal.
- (v) When PW4, Kundan Singh, was closing the mill from inside the room, he heard the deceased crying, "save me; the appellant has cut me." Hearing the cry of the deceased, the PW4, Kundan Singh, came out of the mill and noticed the appellant running from the place of incident with a sickle in his hand. The deceased was bleeding from his neck and he told it to PW4, Kundan Singh, that he has been cut by the appellant.
- (vi) PW12, Fakir Ram, the father of the deceased, admits that there was no enmity between them.

44. The above sequel of events makes it abundantly clear that the appellant did not have any intention to kill the deceased. He had not come with the intention to attack the deceased. He and the deceased both were talking to each other while sitting on the bench, in the mill. When they walked out of the mill, something happened suddenly. In the spur of moment, the appellant attacked the deceased by a sickle. It is a single blow. Therefore, this Court is of the view that the conviction and



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sentence of the appellant cannot be sustained under Section 302 IPC. But the appropriate Section under which the appellant ought to have been convicted is Section 304 Part II IPC. The appellant has been in custody for more than 8 years without remission.

45. Learned Senior Counsel appearing for the appellant submits that the appellant is a poor man, who is in custody for more than 8 years now. He cannot pay the fine, and if he is unable to pay the fine, he has to undergo rigorous imprisonment for a further period of one year. Therefore, the fine may be reduced and in case of default, the sentence may also be reduced.

46. Having considered, this Court is of the view that while setting aside the conviction of the appellant under Section 302 IPC, the appellant may be convicted under Section 304 Part II IPC, Accordingly, the appeal deserves to be partly allowed.

47. The conviction and sentence of the appellant under Section 302 IPC is set aside.

48. The appellant is convicted under Section 304 Part II IPC. He is sentenced to the period of custody, which he has already undergone with a fine of Rs. 10,000/-. In default of payment of fine, the appellant shall undergo simple imprisonment for a further period of one month.

49. The appellant is in jail. Let he be set free forthwith, if not wanted in any other case.

50. Let a copy of this order be sent to the court concerned for intimation and compliance.

(Ravindra Maithani, J.)

(G. Narendar, C.J.)

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