



2026:AHC:209267

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL APPEAL No. - 230 of 1983**

Ram Roop Singh and others

.....Appellant(s)

Versus

State

.....Respondent(s)

---

|                           |                                                                                                     |
|---------------------------|-----------------------------------------------------------------------------------------------------|
| Counsel for Appellant(s)  | : Arun Kumar Bajpai, Kamlesh Kumar, Pradeep Kumar Srivastava, Prashant Kumar Tripathi, Rahul Pandey |
| Counsel for Respondent(s) | : A.G.A.                                                                                            |

---

**Along with:**

**1. Criminal Appeal No. 354 of 1983:**

Nanuha Vs. State

**Reserved on: 22.09.2026**

**Delivered on: 07.10.2026**

**Court No. - 74**

**HON'BLE SAMIT GOPAL, J.**

1. These are two appeals under Section 374 Cr.P.C. in which Criminal Appeal No. 230 of 1983 has been preferred by the appellants- Ram Roop Singh, Ram Milan Singh, Subedar Singh, Babu Singh, Ram Autar and Criminal Appeal No. 354 of 1983 has been preferred by Nanhua against the judgment and order dated 24.01.1983 passed by the Additional Sessions Judge (Special Judge), Fatehpur in Sessions Trial No. 489 of 1980 convicting and sentencing the accused-appellants for offence under Section 308 I.P.C. read with Section 149 I.P.C. for 04 years rigorous imprisonment. The accused-appellant Ram Milan Singh has further been convicted and sentenced under Section 148 I.P.C. for 02 years rigorous imprisonment. The accused-appellant Ram Roop Singh,

Subedar Singh, Babu Singh, Ram Autar and Nanhua have further been convicted and sentenced under Section 147 I.P.C. for 01 year rigorous imprisonment. The sentences have been ordered to run concurrently.

2. The Criminal Appeal No. 230 of 1983 in so far as it relates to appellant no.1- Ram Roop Singh, appellant no.3- Subedar Singh, appellant no.4- Babu Singh, appellant no.5- Ram Autar are concerned already stands abated vide order dated 23.09.2021, the appeal survives for the appellant no.2- Ram Milan Singh only.

3. The prosecution case as per the tehrir dated 21.08.1975 given by Sukhraj Singh of which Krishna Pal Singh is the scribe is that on 21.08.1975 at about 12.30 pm his elder brother Nand Lal Singh and Sooraj Pandit were ploughing their field wherein Ram Roop Singh of the village who had enmity with them regarding litigation came and left his animals in the field numbered as No. 180 and was letting them graze there on which his brother shouted and ran and told him not to do it but Ram Roop while abusing him exhorted his brother that he would not leave him today and shouted that come running and he would decide the issue today. On his shout his brother Ram Milan Singh, Kunj Bihari Singh, Babu Singh the father-in-law of Kunj Bihari, Subedar Singh his brother-in-law, Ram Autar Kori and Nanuha Kori of the village armed with lathis came there wherein Ram Milan Singh carrying his gun exhorted his brother and proceeded toward his brother Nand Lal Singh. His brother Nand Lal Singh and Sooraj Kumar both shouted to save themselves and on hearing shouts the informant, his brother Ram Nazar Singh and son Awadhesh Saran Singh, Dhanraj Singh Yadav, Smt. Adhariya Brahim and Radhey Saran Singh of the village and many other people ran to intervene. All the accused then assaulted his brother Nand Lal Singh with lathi and butt of the gun who then received injury and fell down. He and his son in defence retaliated with their lathis due to which Ram Milan Singh and Babu Singh received lathi injuries. His brother Nand Lal Singh received many injuries. His right hand got fractured and he received lathi injuries on his head and whole body. Due to the said injuries he was unable to speak. The informant and others are busy in the

treatment of his brother and it is raining. Due to bad weather his brother has been kept in the house. He is sending his son Pawan Kumar Singh with the tehrir to get a report lodged. His report be lodged and action be taken.

4. On the basis of the said tehrir a first information report was lodged on 21.08.1975 at 17:00 hours as Case Crime No. 94 of 1975, under Sections 147, 148, 149, 325, 308 I.P.C., Police Station Kishunpur, District Fatehpur. The chik first information report is Exb: Ka-2 to the records.

5. Nand Lal Singh was medically examined on 22.08.1975 at 3.30 PM at P.H.C., Vijaipur (Fatehpur) by Dr. V.P. Singh, Medical Officer In-charge. He was found to have received the following injuries:-

- "1. Lac. Wound 4cm x 2cm x 1cm on Right side forehead, 4cm above the eye Brow.*
- 2. Lac. Wound 2cm x 0.5cm x 0.5cm on Right side forehead, 1.5cm above the right eye Brow.*
- 3. Lac. Wound 7cm x 0.5cm x 0.5cm on Right side Head, 5cm above the injury no.1.*
- 4. Scabbed Abrasion 2cm x 2cm on Right side Head, 8cm above the Right Ear tragus.*
- 5. Lac. Wound 4cm x 3cm x 3cm on Right forearm on Inner side, 10cm below the right elbow.*
- 6. Lac. Wound 4cm x 3cm x 1cm on Back of Right elbow.*
- 7. Contusion 6cm x 5cm on Back of Right forearm, 3cm below the injury no.5.*
- 8. Contusion 11cm x 7cm on front of Rt. Leg, 11cm below the Right knee. Red Blue.*
- 9. Contusion 8cm x 7cm on outer side of Right Ankle. Red Blue."*

The doctor opined all the injuries to be caused by some blunt weapon except injury no.4 which was caused by friction. Further all the injuries were opined to have been of about one day old in duration. The injury nos. 8 & 9 were opined to be simple in nature whereas rest of the injures were kept under observation. X-Ray was advised for all the injuries at District Hospital Fatehpur except injury nos. 8 & 9. The patient was referred to District Hospital, Fatehpur for X-Ray and further treatment. The doctor further mentioned that the patient is in unconscious state.

6. The site plan of the place of occurrence was prepared on 22.08.1975, the same is Exb: Ka-5 to the records.
7. The investigation was concluded and a charge-sheet No. 48 of 1975 dated 28.09.1975 was filed against all the seven accused under Sections 147, 148, 149, 325, 308 I.P.C., the same is Exb: Ka-6 to the records. The case against Kunj Bihari Singh stood abated vide order dated 19.04.1982 of the trial court.
8. Vide order dated 04.03.1982 passed by the II Additional Sessions Judge, Fatehpur charge under Sections 149 I.P.C., 307 I.P.C. was framed against them. Further charge under Section 147 I.P.C. was also framed against them vide order dated 04.03.1982. Further charge under Section 148 I.P.C. was framed against Ram Milan Singh vide order dated 04.03.1982 by the said Court. All the charges were read over and explained to the respective accused to which they pleaded not guilty and claimed to be tried.
9. The prosecution in order to prove its case produced and examined Sukhraj Singh as P.W.-1, Pawan Kumar Singh the first informant as P.W.-2, Sooraj Kumar as P.W.-3, Awadhesh Saran Singh as P.W.-4, Dr. V.P. Singh as P.W.-5, Constable Lakshmi Narayan as P.W.-6, Head Constable Radhey Shyam Tripathi as P.W.-7 and Ram Asrey Singh as P.W.-8.
10. The prosecution in order to prove its case filed and proved the following documents:-

| S No. | Particulars of documents                | Exhibit   |
|-------|-----------------------------------------|-----------|
| 1.    | Injury Report of Nand Lal Singh         | Exb: Ka-1 |
| 2.    | Copy of chik F.I.R.                     | Exb: Ka-2 |
| 3.    | Report of police                        | Exb: Ka-3 |
| 4.    | Corresponding GD of registration of FIR | Exb: Ka-4 |
| 5.    | Site plan                               | Exb: Ka-5 |
| 6.    | Charge-sheet                            | Exb: Ka-6 |

11. Babu Singh filed papers in defence which are as under:-

| S No. | Particulars of documents                                                                                                                                                                             | Exhibit    |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 1.    | Certified copy of F.I.R lodged by Ram Milan Singh at P.S. Kishanpur on 22.08.1975 at 15.30 hours against Ram Nazar Singh, Nand Lal Singh, Suraj Kumar, Sukhraj Singh, Awadhesh Singh and Jwala Singh | Exb: Kha-1 |
| 2.    | Certified copy of injury report of Ram Milan Singh                                                                                                                                                   | Exb: Kha-2 |
| 3.    | Certified copy of injury report of Babu Singh                                                                                                                                                        | Exb: Kha-3 |

12. P.W.-1 Sukhram Singh is an alleged eye-witness of the incident. He states that he is a resident of village Madauli, Police Station Kishunpur. On the day of the incident at about 12.30 PM an incident took place near his field. Nand Lal Singh is his brother. He has now died. Nand Lal Singh saw accused Ram Roop grazing his cattle inside his field in which Bajra crop was standing. Nand Lal Singh then told Ram Roop as to why he is letting the cattle grazing the crop. The accused Ram Roop Singh then abused Nand Lal Singh and exhorted the other accused who were hiding near the nala and stated that the matter will be settled today. All the accused then ran towards the said place amongst whom Ram Milan Singh was having a gun who ran towards Nand Lal. They then attacked Nand Lal Singh with lathi and butt of the gun. On the shouts he saw the incident and then he and his son Awadhesh both with their lathis reached the place of occurrence. His brother Nand Lal was being assaulted by Nanuha and Kunj Bihari. The other accused were having lathis with them but his brother was empty handed. Sooraj Kumar Brahman had run away from the place who then followed them back with a lathi. Dhanraj Yadav, Raghav Saran Singh, Smt. Adhariya, Ram Nazar Singh ran towards the place. Ram Nazar Singh was also grazing his animals with a lathi. They exhorted the accused and in order to save Nand Lal Singh he and his son Awadhesh Saran Singh, Sooraj Kumar Brahman wielded their lathis on the accused due to which Ram Milan and Babu Singh received injuries. When people of village reached

there the accused ran away. Nand Lal Singh fell on the ground after receiving injuries. He was brought to the house. A report was then dictated to Krishna Pal Singh which was written by him. Sooraj Pandit told him of the facts of the incident which occurred before he reached there. He proves the said report. He then sent the said report to the police station through his son Pawan Kumar Singh. Nand Lal Singh was medically examined. He died after 3-4 months of the incident. Nand Lal Singh remained unconscious for about 9-10 days. He was interrogated by the Investigating Officer after about a month of the incident. On a report by Babu Singh a first information report was lodged against him and other persons. The said case has been decided and they have been acquitted in it. His witnesses Dhanraj Yadav, Raghav Saran Singh, Smt. Adhariya and Krishna Pal Singh have sided with the accused and thus would not be giving evidence from his side.

13. P.W.-2 Pawan Kumar Singh is the son of P.W.-1 the first informant. He states that his father Sukhram Singh has given him a report with which he went to the police station on 21.08.1975 where he reached at about 5 pm. He then gave the said report to the S.H.O. He was given its copy by the Constable Clerk. He was not made to sign there. He then states that he had signed at the police station.

14. P.W.-3 Sooraj Kumar is also an alleged eye-witness of the incident. He states that on the day of incident he was ploughing the field of Nand Lal. Nand Lal was also ploughing the field. The incident took place at about 13:30 pm. The incident took place as the animals were grazing the field. Nand Lal tried to stop the accused from getting the fields grazed by the animals from the place from where he was ploughing the field. The accused Ram Roop then ran away along with his animals from the said place after which he also went to his house along with his bullocks. He did not see the accused assaulting Nand Lal. The said witness was then permitted to be cross-examined by the public prosecutor.

15. P.W.-4 Awadhesh Saran Singh states that Nand Lal Singh was the elder brother of his father. On 21.08.1975 at about 12:30 pm Nand Lal Singh and Sooraj Kumar Brahman were ploughing their fields. He was at his house. On hearing the noise he, his father Sukhram Singh and his grandfather Ram Nazar Singh ran towards the field. They took their lathis with them. When they reached the field of Virendra Singh they saw the accused surrounding Nand Lal Singh and assaulting him. The accused Ram Milan Singh was having a gun and the other accused were having lathis with them. The accused Ram Milan Singh was assaulting him with butt of the gun and the other accused were assaulting him with lathi. When they ran to save Nand Lal Singh the accused ran towards them to assault them and in defence they wielded their lathis due to which Ram Milan Singh and Babu Singh received injuries and other people of the village came there on hearing the shouts after which the accused ran away. Nand Lal Singh fell there and became unconscious. His injuries were bleeding. Nand Lal Singh was then brought to the house.

16. P.W.-5 Dr. V.P. Singh was the Medical Officer, P.H.C., Vijaipur (Fatehpur). He examined the injured Nand Lal Singh. The details of the medical examination report have already been stated above and thus are not been repeated herein. He proves the injury report as Exb: Ka-1. He states that the injuries were possible to have been received on 21.08.1975 at 12:30 pm. Further he states that the injury no.4 could have been received by fall whereas the other injuries were possible to have been received by lathis and butt of the gun.

17. P.W.-6 Constable Laxmi Narayan took the injured Nand Lal Singh for medical examination. He states that he identified the injured in front of the doctor. The injured was unconscious. After medical examination he was brought to the Sadar Hospital, Fatehpur and was admitted there.

18. P.W.-7 Radhey Shaym Tripathi was the Head Constable posted at Police Station Kishunpur, District Fatehpur. He states that on the day of the incident he was posted as the Head Mohrir therein where he

transcribed the chik first information report on the tehrir of Sukhram Singh which was given by his son Pawan Kumar Singh. He proves the chik first information report and the corresponding GD. He further proves the handwriting of clerk of Ram Singh Exb: Ka-4.

19. P.W.-8 S.I. Ram Asrey Singh is the Investigating Officer of the matter. He states that the investigation of the matter was given to him. He recorded the statements of the witnesses, prepared the site plan, recorded the statements of the accused and filed a charge-sheet against them. He proves the said charge-sheet.

20. Goli was examined as C.W.-1 in the matter. He states that he was the Pradhan of village Madauli since the last 10 years. Since panchayat elections are to be held his charge and the charge of the other Pradhans have been taken away from them. Kunj Bihari Singh has died about 20 days ago. He attended his cremation. He had given a written certificate about it to the police. He proves the same as Exb: Ka C-1.

21. The accused in their statements recorded under Section 313 Cr.P.C. denied the prosecution case and stated of false implication due to enmity.

22. Accused Ram Milan Singh further stated that the side of the first informant chased his brother on which he and others ran to save on which they were also assaulted.

23. Accused Babu Singh further stated that Ram Roop was grazing his cattle in the land of Gram Samaj. Nand Lal Singh tried to stop him by stating that the land belongs to him. Ram Roop then stated that the land was of Gram Samaj. He further states that Sukhraj Singh, Nand Lal Singh, Ram Nazar Singh, Surya Kumar and Jwala Prasad then chased Ram Roop on which they objected that the land is go Gram Samaj. He was assaulted and thrown down. He shouted. Lakhan Darji and Bhanu Pratap who were also grazing their animals reached there who were having lathis with them. The accused Babu Singh had filed three papers in defence being the certified copy of first information report lodged by

Ram Milan Singh as Exb: Kha-1, the injury reports of accused Ram Milan Singh and Babu Singh as Exb: Kha-2 & 3 respectively.

24. The trial court thus finding the case of the prosecution to be beyond reasonable doubt convicted and sentenced the accused-appellants as above.

25. Heard Sri Rahul Pandey, learned counsel for the appellants and Sri Ajay Singh, learned A.G.A.-I for the State and perused the record. The trial court record are also tagged with this file which have also been perused. The paper-book of the matter is also prepared which has also been perused.

26. Learned counsel for the appellant submitted that the appellant has been falsely implicated in the present case. It is submitted that the present incident has occurred at the spur of moment of challenge by both the sides. It is submitted that from the side of defence also a first information report was lodged and two persons namely Ram Milan Singh and Babu Singh who are accused in the present matter received injuries. It is submitted that the present case is a case where the accused were told not to graze their animals in the field. They stated that the same is of Gram Samaj and indulged in assault on the accused and the accused also assaulted them which was as a result of a free-fight between the parties. It is submitted that although the prosecution has stated in the first information report about the said two accused receiving injuries but the said version is not reliable in as much as the incident was of a free-fight in which common & general role was assigned to all the accused and no specification was given. It is submitted that thus looking to the same and also the facts that despite Ram Milan Singh and Babu Singh receiving injuries as per the evidence of Sukhram Singh the said case ended in an acquittal. It is a fit case where benefit of doubt be extended to the accused-appellants and they be acquitted of the charges levelled against them.

27. *Per contra*, learned counsel for the State opposed the appeal and submissions of learned counsel for the appellants and submitted that the

prosecution has proved its case beyond reasonable doubt and the defence version as per the first information report was found to be incorrect and thus the said case ended in an acquittal and thus the prosecution in the present case is totally truthful and reliable and beyond any reasonable doubt. The appeal thus be dismissed.

28. After having heard learned counsel for the parties and perusing the records, it is evident that the dispute in the present matter arose in the field between the parties at the time of grazing of the animals. In the present matter two accused namely Ram Milan Singh and Babu Singh have also received injuries. A first information report was lodged on 22.08.1975 by Ram Milan Singh which has been exhibited as Exb: Kha-1 to the records. Although the said matter ended in an acquittal but the version therein was of the informant and his side assaulting the side of the accused in which Ram Milan Singh and Babu Singh received injuries. The injury reports of both the said injuries have been filed as Exb: Kha-2 & 3 respectively. General and omnibus allegations have been levelled against all the accused being a total of seven in number in the first information report. Both the sides have received injuries. There is no specification of the roles of the accused. The injured Nand Lal Singh was found to have received 09 injuries on his person out of which injury nos. 8 & 9 were opined to be simple in nature and rest of the injuries were opined to be kept under observation and advised for X-Ray and further treatment. He was unconscious. There is nothing on record to show regarding any further probing of the said injuries, any such X-Ray examination or any such supplementary medical examination report of the said injured. P.W.-5 Dr. V.P. Singh who conducted his medical examination also did not state of any such further medical examination of the said injured in pursuance of the advise given by him at the time of his medical examination. There is no other witness examined to show any such further medical examination of the said injured. Thus the nature of the remaining injuries cannot be deciphered and there was nothing on record to show as to what was their nature. The present case was in the fields while the accused were grazing their animals. It appears to be a

case of free-fight. Although the prosecution in the first information report has explained the injuries of the two accused but the fact remains that there was a defence version also by them for which a first information report was lodged. No specification of the role has been assigned to them. In view of the same it would be in the fitness of things that benefit of doubt be extended to them. This Court thus while extending the benefit of doubt acquits the surviving accused-appellants.

29. Non-bailable warrants were issued against the accused-appellants-Ram Milan Singh and Nanhua vide orders dated 24.08.2026. As per the office report dated 21.09.2026 it is reported by the Chief Judicial Magistrate, Fatehpur vide letter dated 14.09.2026 that the accused-appellant Nanhua has been arrested and sent to District Jail, Fatehpur. Further as per the office report dated 21.09.2026 the Chief Judicial Magistrate, Fatehpur vide letter dated 16.09.2026 has reported that the accused-appellant Ram Milan Singh has been arrested and sent to District Jail, Fatehpur.

30. Thus both the accused-appellants are in jail. They shall be released forthwith unless wanted in any other case.

31. The judgment and order dated 24.01.1983 passed by the Additional Sessions Judge (Special Judge), Fatehpur is set-aside.

32. The appeals are **allowed**.

33. A copy of this judgment along with the trial court record be sent to the court concerned forthwith for communication and necessary action.

34. Pending application (s), if any, shall stand disposed of.

**October 07, 2026**

AS Rathore

**(Samit Gopal,J.)**