

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 1086 of 2000**

1. Laindas Satnami S/o Anjori, Aged about 33 years.
2. Chaindas Satnami S/o Anjori, Aged about 26 years.
3. Jagdish Satnami S/o Anjoru, aged about 23 years.
All Resident of Limtara (Simga) Police Station
Simga, Distt. Raipur (M.P.) (Now
Chhattisgarh).

...Appellants

Versus

State of Madhya Pradesh (Now
Chhattisgarh) Through Police Station Simga
District Raipur.

...Respondent

AND**Criminal Appeal No. 1171 Of 2000**

1. Sukhari, Aged 30 years, Son of Santram Satnami.
2. Khabla alias Kejo , aged 38 years, Son of Shivcharan Satnami.
Both R/o Limtara, (Simga) P.S. Simga,
District Raipur, M.P. (Now C.G.)

...Appellants

Versus

State of Madhya Pradesh (Now
Chhattisgarh)

...Respondent

AND**Criminal Appeal No. 1220 Of 2000**

Bala Satnami S/o Raruha Satnami, Age 65
years, R/o Limtara (Simga) P.S. Simga,
District Raipur M.P. (Now C.G.)

...Appellant

Versus

State of Madhya Pradesh (Now
Chhattisgarh) Through Police Station
Simga, District Raipur (M.P.) (Now C.G.)

...Respondent

For Appellants	: Smt. Renu Kochar, Shri K.K.Singh and Shri Tariq Haider, Advocates.
For Respondent	: Shri Ravindra Agrawal, Panel Lawyer.

Hon'ble The Acting Chief Justice
Hon'ble Shri Justice P. Sam Koshy

C A V Judgement

Per Navin Sinha, Acting Chief Justice

11/03/2015

1. The three appeals arise from judgment of conviction dated 7.4.2000 passed by the Second Additional Sessions Judge, Balodabazar, in Sessions Trial No. 101 of 1990. Appellants Laindas and Jagdish have been deceased during the pendency of the Appeals which thus stands abated with regard to them.

2. The Appellants have been convicted under section 148 IPC to two years rigorous imprisonment, 302/149 IPC to life imprisonment with fine of Rs.100/- each, in the event of failure to pay which they were required to undergo six months further simple imprisonment. They have also been convicted under section 323/149 IPC to one year rigorous imprisonment each.

3. The deceased Triloki Satnami was assaulted by the Appellants on 24.8.1989 at about 10:00 a.m. An FIR, Exhibit P-1, was lodged by wife of the deceased, PW-1, Kanchan Bai on 24.8.1989 at about 12:45 pm. The MLC was done after the assault, Exhibit P-14 by PW-18, Dr. B.R.Joshi. The deceased also suffered multiple fractures on his left fore-arm leading to

gangerene requiring amputation. The injured succumbed to his injuries during treatment on 9.9.1989 about 12:50 a.m, approximately 14 days later. Merg, Exhibit P-6 was recorded on information received from the hospital. The post-mortem of the deceased, Exhibit P-23 was conducted by PW-21, Dr. D.K.Sao opining death was due to septicaemia.

4. Appellant Chaindas is the nephew of the deceased. The Appellants in Criminal Appeal No. 1171 of 2000 are the nephew of the deceased and son in law of the Appellant in Criminal Appeal No. 1220 of 2000 who himself is the brother of the deceased.

5. The MLC of the deceased, Exhibit P-14 noticed the following injuries :

"1. Incised wound - 3 1/2" X1/8" bone deep. Cutting the posterum over right fronto parietal region.

2. Lacerated wound - 3"X1/8" bone deep over the right fronto parietal region crossing injury above the post end and making X shape inverted Y shaped - bleeding ++

3. Incised wound 5"X1/8" bone deep over the left parietal region 1 1/2" parallel away to mid plain.

4. Incised wound - 3 1/2"X1/2"X2 1/2" cutting the intervenous muscle with bleeding .

5. Fracture of 1st Phalanx of left middle finger.

6. Fracture of metacarpal bone of left ring finer.

7. Contusion over the left hand 5"X1" over the knuckle of fingers.

8. Penetrating wound 1 1/2"X1/2"X 2 1/2" over the left arm of mid palm.

9. Penetrating wound over the right forearm on the posterior aspect 1 1/4" x 1/4" bone deep with fracture in dorsal radius.

10. Incised wound in between little and ring finger 3"X1/3" deep fress bleeding.

11. Contusion right palm on dorsal aspect 2 1/2"X1".

12. Lacerated wound 1/2" x 1/4" over the index finger.

13. Lacerated wound 1/2" x 1/4" over the 1st phalanx of

right index posterior aspect.

14. Contusion 2"x1" over the right knee."

6. PW-2, Jawahar, the son-in-law of the deceased, PW-3, Mithila Bai, PW-6, Santan Bai and PW-11, Bimla Bai, daughters of the deceased are all injured eye-witnesses. Their MLC's are Exhibit P-15, P-16, P-17 and P-18, conducted by PW-18, Dr. B.R.Joshi. PW-1, Kanchan Bai is the informant and an eye witness. PW-4, Tulsi Ram another son-in-law of the deceased, also an eye witness became hostile.

7. Learned Counsel Smt. Renu Kochar for the Appellants submitted that partition amongst the deceased and his brothers had taken place during his life time. After his death his properties have been transferred in the name of his wife and daughters. There existed no motive for them to kill the deceased. The Appellants did not intend to cause injuries leading to death. Their only intention was to teach a lesson to the deceased so that his son-in-laws do not attempt interest in the properties of the deceased. The deceased did not die on account of any injury caused to him during the assault. There is no bone injury on the head or damage to the brain or nerves but only multiple fractures on the left hand. Death has been opined by the Doctor occasioned by septicemia which is evidence of negligence during treatment. During treatment, gangrene set into his left arm injuries. The deceased underwent emergency surgery and his left arm below the elbow was amputated. He was discharged from the hospital after that on 1.9.1989 and asked to come for a check-up on 10.9.1989. Pus started to ooze from the wound. The deceased came back to the hospital on 9.9.1989 and died due to septicaemia. It cannot be said that the deceased died on account of the injuries caused by the Appellants. PW-18, Dr. Joshi has

deposed that the injuries caused at serial No. 1 to 4 would have cured over time. The Appellants were liable to be convicted under section 326 IPC or at best under Section 304 II IPC, but certainly not 302 IPC. In support of the submissions reliance was placed on 1992 Suppl (2) SCC 81 (Dev Raj v. State of Punjab) and 1994 (1) SCC 498 (Pirthi v. State of Haryana).

8. Learned Counsel Sri K.K.Singh and Tarique Haider on behalf of the remaining Appellants submitted that no spot map had been prepared by the police which makes not only the place of occurrence but the entire story doubtful. The possibility that the assault took place at another location and was made by others unknown cannot be ruled out. The benefit of doubt must be given to the Appellants. Appellant Balaram was physically handicapped in his right hand and was incapable of assaulting. No overt act was therefore committed by him to sustain conviction with the aid of Section 148 and 149 IPC. The FIR was not sent to the Magistrate as deposed by PW-23, the Investigating Officer. Reliance was placed on A I R 2009 SC 87 (Budhi Lal v. State of Uttarakhand) to submit that the conviction under section 302 IPC was not sustainable.

9. Learned Counsel for the State submitted that the conviction of the Appellants called for no interference. The Appellants had the intention to kill apparent from the manner the assault was made with some of them carrying a "Tabbal" and "Ballam" which are dangerous weapons. Their conduct in preventing the deceased from being taken to the hospital further displays intention to ensure death by obviating any possibility of being saved due to timely medical treatment. The Appellants warned the daughters of the deceased who came to his rescue to stay away or else they would also be killed like the deceased. Three assaults were made on

the head, a sensitive part of the human body, with the sharp and blunt edge of the “Tabbal” causing two incised wounds and one lacerated wound. The number of other injuries, including piercing, are evidence that even after the deceased fell down the Appellants continued to assault him to ensure he did not survive. If conviction is with aid of 148/149 IPC, in the facts of the case none of them fall in the category of by-standers with no overt act attributed. Appellant Sukhari assaulted with “Tabbal”, Appellant Khabla with “Ballam” and the others with lathis. Conviction under Section 302 IPC called for no interference. Reliance was placed on A I R 1967 Madras 205 (In re Jayaraman) (DB). Alternately it was submitted that the Appellants were in any event liable to conviction under Section 304 II IPC relying on 2003 Cr. L.J. 4458 (Augustine Saldanha v. State of Karnataka).

10. We have considered the submissions on behalf of the parties and also perused the evidence on record.

11. PW-1, Kanchan Bai, wife of the deceased is an eye witness to the assault. She deposed that the deceased and PW-2 had gone towards the tri junction where they were assaulted. Appellant Sukhari repeatedly assaulted the deceased with the sharp edge of the “Tabbal”. Appellant Khabla assaulted with both the wooden handle and sharp edge of “Ballam” causing piercing injuries. All the others assaulted with lathis. PW-2 Jawahar fell down due to the assault. PW-4 Tulsi ran away. The Appellants were mouthing filthy abuses and shouting that they would cut and kill. Her daughters PW-3, PW-6 and PW-11 came to the spot and were also assaulted. The deceased was taken to the D. K .Hospital at Raipur in an unconscious condition and regained consciousness three days later. We find no reason to doubt her presence as an eye witness as her evidence

inspires confidence being natural. There is no reason why she would not be speaking the truth to falsely implicate the Appellants letting go the real assailants of her husband.

12. PW-2, Jawahar, son-in-law of the deceased is an injured eye-witness. He stated that the assault took place near the tri junction close to the petrol pump. Appellant Sukhari assaulted the deceased with “Tabbal” and Appellant Khabla with “Ballam” while others including Appellant Balaram assaulted with lathis shouting that they would kill the deceased. The witness was assaulted by Appellant Sukhari, Khabla and Laindas. The daughters of the deceased were also assaulted. The MLC of the witness, Exhibit P-16, notices one lacerated wound over the right parietal region 3cmX1½cmX6cm deep and five contusions over the left elbow, left wrist, right chest below scapula, right chest on posterior aspect and over the right chest below the scapula opined to be caused by hard blunt object. Similarly, Mithila Bai, PW-3, daughter of the deceased deposed that on the date of occurrence, the Appellants first came to their house and abused after which they went away as the inmates closed the door. She also stated that the assault took place near the petrol pump at the tri junction. The witness also stated that the deceased was assaulted by Appellant Sukhari with “Tabbal”, Appellant Khabla with “Ballam” and others including Balaram assaulted with lathis. PW-2 and she were also assaulted by them. When they attempted to stop a vehicle to take the deceased to the hospital, the Appellants chased away the driver. The deceased was then manually carried for some distance after which he was taken to the hospital on a vehicle and survived for fourteen days. Her MLC, Exhibit P-17 noticed four contusions on the right arm on mid part over parieto occipital region, over the mid inter-parietal

region, opined to have been caused by hard and blunt object.

13. PW-6, Santan Bai, another daughter of the deceased also stated that the Appellants first came to their house, abused and went away when the door was closed. The subsequent assault took place on the road near the petrol pump. Appellant Sukhari carried “Tabbal”, Appellant Khabla carried “Ballam” and the others including Appellant Balaram carried lathis. When they asked the Appellants not to assault, the Appellants asked them to go away or they would kill them also like the deceased. The Appellants did not like the son-in-laws staying with the deceased as he had daughters only. The deceased was first taken to the D K Hospital at Raipur, shifted to the Government Hospital at Bhatapara and when his condition deteriorated, he was taken to the DK Hospital again where he expired. The witness was assaulted with lathis. Her MLC, Exhibit P-15 found five contusions over the right gluteal region, over the right palm on the dorsal aspect on the left index finger over the right scapular region and over the chest on posterior aspect below the scapula opined to be caused by hard and blunt object. Likewise, PW-11, Vimla Bai, another daughter of the deceased deposed of assault on the deceased by Appellant Sukhari with a “Tabbal”, Appellant Khabla with a “Ballam” and others including Appellant Balaram with lathis. She was also injured in the assault and her MLC, Exhibit P-18 reported three contusions over the supra scapular region right shoulder and over the left knee above patella opined to be caused by hard and blunt object. All the MLC’s of the injured witnesses opined that the injuries had occurred in the past 4-6 hours.

14. The injured witnesses were the daughters of the deceased and the son-in-law. No reasons have been assigned by the Appellants why these witnesses were not stating the truth and trying to falsely implicate them. No evidence has been led of any other having animosity against the deceased and who may possibly have killed him. In their defence under Section 313 Cr.P.C the Appellants generally stated that they were all related witnesses and were falsely implicating due to family dispute. The nature of the family dispute was not disclosed. The credibility of an injured related witness was considered in (2012) 8 SCC 651 (Shyam Babu v. State of Uttar Pradesh) observing as follows :-

“22. This Court has repeatedly held that the version of an eyewitness cannot be discarded by the court merely on the ground that such eyewitness happened to be a relative or friend of the deceased. It is also stated that where the presence of the eyewitnesses is proved to be natural and their statements are nothing but truthful disclosure of actual facts leading to the occurrence, it will not be permissible for the court to discard the statement of such related or friendly witnesses. To put it clear, there is no bar in law on examining family members or any other person as witnesses. In fact, in cases involving family members of both sides, it is a member of the family or a friend who comes to rescue the injured. If the statement of witnesses, who are relatives or known to the parties affected is credible, reliable, trustworthy and corroborated by other witnesses, there would hardly be any reason for the court to reject such evidence merely on the ground that the witness was a family member or an interested witness or a person known to the affected party or friend, etc. These principles have been reiterated in *Mano Dutt v. State of U.P.* and *Dayal Singh v. State of Uttaranchal*.”

15. Notwithstanding the fact that the assault took place on the road near the market place, judicial notice has been taken of the fact that even in such cases independent witnesses are not forthcoming afraid of retribution

and other reasons as considered in (2011) 4 SCC 324 (State of Uttar Pradesh v. Naresh) :-

“28.....In a case like this, it may be difficult .for the prosecution to procure an independent witness, wherein the accused had killed one person at the spot and seriously injured the other. The independent witness may not muster the courage to come forward and depose against such accused.”

16. PW-7, Prabhakar proved the inquest report, marked Exhibit P-4 alongwith PW-9, Bisoha Ram. PW-9, Dr. M.P.Pujari proved Exhibit P-5, the memo prepared at the mortuary that the deceased had died due to septicemia and amputation of his hand after gangrene had set in. PW-12, Dr. T.K.Banerjee proved the x-ray report of the deceased done on 25.8.1989 and found that no bones were broken on the head but many bones on the left hand were fractured by report Exhibit P-7 and the x-ray plate, Exhibit P-8.

17. PW-18, Dr. B.R.Joshi opined in his deposition that the incised wound and the penetrating wound were likely to heal within seven days and the other assaults with a hard and blunt object within 10-14 days. The bone injuries could be cured in 1 to 1 1/2 months. The deceased had been brought in a serious condition and there was mud on his body also. He also opined that death due to septicemia could occur between 15-30 days if treatment continued. PW-20, Dr. K. Sudarshan deposed that the deceased was admitted in the surgery department. Pus was flowing from his wound and he was operated in emergency and the left arm was amputated below the elbow. PW-21, Dr. D.K.Sao conducted the post-mortem and opined that

septicemia could be the result of injuries also and that it could be a cause of death. PW-22, Dr. D.S.Tiwari, likewise proved that the deceased was admitted in emergency in the surgical ward and operated upon leading to amputation of his left arm below the elbow.

18. Ajit Choubey, PW-23, was the investigating officer who proved the FIR, Exhibit P-1, having sent the injured for MLC and subsequently the body of the deceased for post-mortem. He deposed that due to rains and mud on the road, he could not collect any blood stained sample of earth and denied that the place of occurrence was elsewhere. The witness denied that Appellant Sukhari had also come to lodge a report stating that if he had done so and was injured he would have had his MLC done. It falsifies the defence evidence of Keshav Prasad, Head Constable, with regard to lodging of *Rojnamchasanha* No. 651 by them. He did not state that copy of the FIR was not sent to the Magistrate as was submitted on behalf of the Appellants but stated he could not provide details which could be provided by the Thana Moharrir.

18. The evidence of the eye witness and the injured witnesses leaves no room for doubt that the place of occurrence was at the tri junction near the petrol pump on the fateful day. The absence of a spot map prepared by the police cannot discredit the testimony of the witnesses which has been found to be natural and convincing. A faulty investigation cannot be a ground for acquittal unless it be compatible with the innocence of the accused. The Appellants have not led any evidence to demonstrate that the occurrence may have taken place at another location committed by others. Dr. Joshi, PW-18 has deposed that the deceased was covered with mud when he was brought for MLC. PW-23, the Investigating Officer has stated

that he could not collect earth sample due to rains leading to accumulation of mud and water.

19. It is evident from the evidence of the witnesses that the deceased had no son but only daughters. Not much is left to the imagination why the Appellants did not like the son-in-laws living with the deceased as in that eventuality they would have been able to grab the properties of the deceased after his demise. The assault was therefore clearly motivated with the intention to acquire his properties in absence of a male heir. The fact that it may have gone to his wife and daughters now is inconsequential as things did not turn out to be as easy and smooth as the Appellants had imagined.

20. It is not possible to accept the contention that they did not intend to fatally assault the deceased but only teach a lesson to him. Their intentions were beyond that evident from the nature of assault and the number of injuries. The family members have deposed that PW-2 and 4, the son-in-laws had come a day earlier. The Appellants first came to the house of the deceased, shouted abuses and threatened to kill but went away when the doors of the house were closed. They assembled at the tri junction armed and assaulted the deceased brazenly on the main road. It was undoubtedly an unlawful assembly which indulged in rioting armed with deadly weapons. Common object is therefore apparent culled out from their conduct. The Trial Court has rightly opined that even Appellant Balaram was capable of assault with his other arm with the lathi that he was carrying. If all them were armed with "Tabbal", "Ballam" and lathis it is not necessary to prove overt act on part of each in persecution of the common object. In (2012) 11 SCC 237 (Krishnappa v. State of Karnataka) on the question of

common object and overt act it was observed as follows :-

“20. It is now well-settled law that the provisions of Section 149 IPC will be attracted whenever any offence committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or when the members of that assembly knew that offence is likely to be committed in prosecution of that object, so that every person, who, at the time of committing of that offence is a member, will be also vicariously held liable and guilty of that offence. Section 149 IPC creates a constructive or vicarious liability of the members of the unlawful assembly for the unlawful acts committed pursuant to the common object by any other member of that assembly. This principle ropes in every member of the assembly to be guilty of an offence where that offence is committed by any member of that assembly in prosecution of common object of that assembly, or such members or assembly knew that offence is likely to be committed in prosecution of that object.

21. That brings to the fore the question if the Appellants intended to cause death of the deceased, had the knowledge that death may be caused or intended to cause such bodily injury as was likely to cause death. Whether they only intended to teach a lesson to the deceased or was it something more. This again has to be culled out from the sequence of events and conduct of the Appellants including the nature of assault. They did not approve of the son-in-laws coming to stay at the house of the deceased who had no male heirs. We have already held that motive existed for the Appellants for the assault to grab the properties of the deceased. They went to the house of the deceased earlier in the day abused and threatened to kill when the family members closed the door. The Appellants then assembled together at the tri junction armed and assaulted the deceased and his son-in-law and continued to assault the deceased even after he fell down. When the family members tried to take him to the

hospital they chased the vehicle away to ensure he does not receive timely medical aid which itself could prove fatal. Cumulatively the intention of the Appellants was to kill the deceased or to cause such injuries which the Appellants were aware was likely to cause death of the deceased.

22. The nature of the injuries caused shall have to be considered also. The first three injuries on the head were on a sensitive part of the human body. Two were incised wounds and one lacerated. The fact that it may not have caused fracture of the bones cannot lead to any presumptive conclusion that they did not intend to fatally assault. The Appellants may have considered it sufficient but providence intervened. There were multiple fracture of bones on the left hand. A total of fourteen injuries had been caused to the deceased. Some of them were piercing in nature also. The Appellants kept assaulting the deceased even after he had fallen down. The nature of the assault amounted to culpable homicide under Section 299 IPC as having been done with the intention to cause such bodily injury as was likely to cause death. Explanation 2 becomes relevant to deem it to be a case of culpable homicide even if the life could have been saved by timely medical aid. That it was culpable homicide amounting to murder stands satisfied from the Fourth clause of Section 300 IPC which reads :-

4thly.—If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

23. In A I R 1985 SC 465 (Virsa Singh v. State of Punjab) it was observed as follows :

“16. ... The question is not whether the prisoner intended to inflict a serious injury or a trivial one but whether he intended to inflict the injury that is proved to be present. If he can show that he did not, or if the totality of the circumstances justify such an inference, then, of course, the intent that the section requires is not proved. But if there is nothing beyond the injury and the fact that the appellant inflicted it, the only possible inference is that he intended to inflict it. Whether he knew of its seriousness, or intended serious consequences, is neither here nor there. The question, so far as the intention is concerned, is not whether he intended to kill, or to inflict an injury of a particular degree of seriousness but whether he intended to inflict the injury in question; and once the existence of the injury is proved the intention to cause it will be presumed unless the evidence or the circumstances warrant an opposite conclusion.”

24. Dev Raj (supra) relied upon by the Appellants is distinguishable as it was a case of a firearm injury on the left arm. Several incised wounds had been made during recurrent surgeries leading to haemorrhage and shock after amputation of the arm and the Doctor had opined that the injury itself was not sufficient in the ordinary course of nature to cause death. Death occurred 1 ½ months later. The conviction was altered to Section 326 IPC. In Pirthi (supra) relied upon on behalf of the Appellants, the deceased had been kicked on his testicals, gangrene had set in because no medical aid was obtained. The conviction in the circumstances was converted to section 323 IPC. The case is distinguishable on its own facts. In Budhi lal (supra) relied upon by the Appellants the conviction was converted from Section 302 IPC to 304 Part I IPC.

25. In re Jayaraman (supra) relied upon by the State the deceased suffered multiple injuries, the left had to be amputated but septicaemia set in due to multiple injuries and death took place after 50 days. Conviction under Section 302 was upheld. In Augustine Saldanah (supra) relied by the

State a single injury had been caused on the head leading to death. Conviction was altered from section 302 IPC to 304 Part I IPC.

26. The fact that medical aid may have been provided to the deceased and because of which he survived for two weeks cannot lead to any absolute conclusion that the assault was not the proximate cause of death for giving the benefit of Section 326 IPC to the Appellants. The injuries could not be said to be stopping short of murder and being dangerous to life only. It would not be appropriate to assume that the proximate cause of the death was septicaemia due to amputation of the arm so as to absolve the deceased by holding for a lesser offence. It will have to be appreciated that consequent to the severe assault on the deceased, his body resistance was low and the capacity of the body to fight infections lessened. It is nobody's case that the deceased was not attended to properly. Gangerene had set in the hand on which there were multiple fractures. Gangerene therefore was occasioned by the assault and had not been occasioned by any self inflicted act of the deceased. As a consequence, the left arm below the elbow had to be amputated to save his life. Pus formation took place because of the reduced capacity of the body to fight bacterial infections caused due to the multiple injuries cumulatively which led to septicaemia. According to medical science septicaemia occurs when an infection in the blood stream causes the body's immune system to become weak due to bacterial infections and starts to attack the body it is meant to protect. It is a life threatening illness caused because the body is overcome with infection. Septicaemia or blood poisoning can be triggered by injuries also. There is no medical evidence that the deceased died due to Septicaemia occasioned by the surgery and not the injuries he was inflicted.

The opinion of the Doctor that the injuries were likely to heal is only the expression of an opinion and does not lead to any inevitable conclusion that the Septicaemia was not caused due to the injuries sustained during the assault. Dr. Joshi, PW-18 deposed that death could take place within 15-30 days of the injuries due to septicaemia. Dr. Sao, PW-21 deposed that the deceased died due to septicaemia caused by the injuries sustained.

27. In (2012) 10 SCC 402 (Selvam v. State of Tamil Nadu) death took place nine days after the assault. The conviction was altered from Section 302 IPC to section 304 Part I IPC. In (2014)7 SCC 316 (Sompal Singh v. State of Uttar Pradesh) the two incised wounds on the head bone deep with a sharp cutting edge were considered sufficient to hold conviction under Section 304 Part I IPC repelling the plea for grievous hurt.

28. Because the assault was not the immediate cause of death, the conviction under Section 302 IPC cannot be upheld. Unfortunately the discussion in this regard in the judgement under appeal is too cryptic and abrupt. The deceased did survive for fourteen days but ultimately died due to reasons attributable to and arising from the assault. The conviction is therefore liable to be converted from Section 302 IPC to one under Section 304 Part I / 149 IPC for imprisonment to ten years. The conviction under Section 148 IPC and 323/149 calls for no interference. It is ordered accordingly.

29. The appeals are dismissed with that modification of the conviction and sentence.

ACTING CHIEF JUSTICE

JUDGE