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CNR No-UPKJ010017272024

**In The Court of Sessions Judge, Kannauj**

Presiding Officer- Shri Chandroday Kumar (HJS)-UP06553

Session Trial Number-263 of 2022

State of Uttar Pradesh

**... Prosecution**

**Versus**

1. Arun Kumar, son of Mahaveer,  
2. Anshu son of Mahaveer, and  
3. Munnu alias Chandrapal, son of Jeevalal (Deceased and abated)  
Residence of village Ballupurwa police station Gursahayganj, Distt Kannauj  
**... Accused**

Crime Number- 670/2021  
Under Sections- 323, 324, 341, 504, 506, 302/34 IPC  
Police Station- Gursahayganj, Distt. Kannauj.

Prosecution Counsel: Shri Tarun Chandra, DGC (Criminal),  
Defense Counsel: Shri Ramesh Chandra Pandey, Advocate.

**JUDGMENT**

Arun Kumar and Anshu accused have been charged with and tried for the offence punishable under sections 323, 324, 341, 504, 506, 302/34 of the India Penal Code (IPC). During the trial, the accused, Munnu alias Chandrapal, passed away, and the case proceedings against him have been abated.

2. According to the prosecution story, the facts related to the case, in brief, are as follows:

On November 28, 2021, the complainant, Jitendra Kumar, had gone to his potato farm with his brothers Ramadin and Jugal Kishore. Arun Kumar also has a farm in the neighbourhood. Arun Kumar had cut the complainant’s farm ram. The complainant and his brothers opposed and complained about this. At that time, Arun did not say anything. When the complainant and his brothers were returning to their house at around 6:00 pm, Arun Kumar, Anshu and Hukka, sons of Mahavir, residents of village Ballupurva, surrounded them before the house with club batons and axe in their hands and started abusing and assaulting everyone. Due to this, the complainant’s elder brothers, Jugal Kishore and Ramadin got severe injuries and bleeding and became unconscious. The complainant also received a head injury. On

hearing the noise, Rampravesh, Ravendra and others from his village came and saved them. All the above-mentioned people ran away, threatening to kill them. With the help of the villagers, the complainant brought his brothers to CHC Gugrapur, where the doctors referred them to Tirwa Medical College. From Tirwa Medical College also, the complainant's brothers were referred to Hallett Hospital Kanpur City due to their critical condition. The complainant came for the report after getting his treatment.

3. Based on the above-handwritten information (Tahrir), Exhibit Ka-2, scribed by Avinash Dohre and signed by the complainant, a First Information Report under Sections 308, 323, 324, 341, 504 and 506 of the Indian Penal Code (IPC) was registered at the Police Station Gursahayganj, District Kannauj, on November 28, 2021, at 22:36 at Crime No. 670 of 2021 against the accused Arun Kumar, Anshu and Hukka. Simultaneously, the same extract was entered into General Diary (GD) No. 62, dated November 28, 2021.

4. During treatment, Ramdeen died on November 29, 2021, at 5:15 AM at Hallot Hospital in Kanpur City. Upon receiving information from the wardboy Ashok regarding Ramdeen's death, Sub-Inspector Munna Lal, along with Constable Amit Kumar and Head Constable Bijendra Singh, visited on the same day Hallot Hospital to conduct an inquest into the circumstances surrounding his death. The inquest proceedings took place between 12:15 PM and 1:15 PM, and the report (Panchayatnama) was prepared. The inquest officer noted in the Panchayatnama that the injuries sustained during a quarrel in the village led to Ramdeen's death while he was receiving treatment. To determine the exact cause of death, a postmortem examination was recommended. Additionally, a letter to the Chief Medical Officer (CMO) was prepared as Exhibit Ka-11, along with a sealed sample (Exhibit Ka-12), a photograph of the corpse (Exhibit Ka-13), and a challan for the corpse (Exhibit Ka-14).

5. On November 29, 2021, Dr Vishal Gautam conducted the post-mortem of Ramadeen, aged about 30, between 04:00 pm and 04:30 pm and prepared the post-mortem report, Exhibit Ka-1. The findings of the postmortem are as follows:

*Injury No. 1 - A contused swelling 12x10 cm on the right side of the skull just above the right ear, underlying temporoparietal bone fracture.*

*Injury No. 2 - A contused swelling 15x10 cm, present on the left side of the skull just above the left ear underlying temporoparietal bone fracture.*

*Injury No. 3 - A contused swelling, 12x10 cm, present in the whole occipital region, underlying occipital bone fracture.*

*In the opinion of the doctor, the cause of death was a coma due to antemortem head injuries. The date and time of admission to the hospital and death in hospital were noted as November 29, 2021, at 1:23 AM and*

*November 29, 2021, at 4:45 AM, respectively.*

6. On December 02, 2021, the complainant submitted a written application, Exhibit Ka-3, to the concerned P.S. stating that the name of Munnu alias Chandrapal, who had an important role in the fight, was left out of the case. On November 29, 2021, his brother Ramdeen died during treatment. A request was made to add the name of Munnu alias Chandrapal to the said case and take legal action.

7. During treatment, Jugal Kishore died on December 07, 2021, at 21:18 at Hallot Hospital in Kanpur City. Upon receiving information from the wardboy Rukhsana regarding Jugal Kishore's death, Sub-Inspector Ram Raj Yadav, along with Constable Amit Kumar and Head Constable Santosh Kumar, visited on the following day Hallot Hospital to conduct an inquest into the circumstances surrounding his death. The inquest proceedings took place between 11:30 PM and 12:30 PM, and the report (Panchayatnama) was prepared. The inquest officer noted in the Panchayatnama that the injuries sustained in the assault in the village on 28.11.2024 led to Jugal Kishor's death while he was receiving treatment. To determine the exact cause of death, a postmortem examination was recommended. Additionally, a letter to the Chief Medical Officer (CMO) was prepared as Exhibit Ka-18, along with a sealed sample (Exhibit Ka-19), a photograph of the corpse (Exhibit Ka-20), and a challan for the corpse (Exhibit Ka-21).

8. On December 08, 2021, Dr Rajesh Kumar Verma conducted the post-mortem of Jugal Kishor, aged about 37, between 01:20 pm and 02:00 pm and prepared the post-mortem report, Exhibit Ka-5. The findings of the postmortem are as follows:-

*Injury No. 1 - A lacerated wound of size 4x1cm, muscle deep, right side of the skull, 10 cm above the right ear.*

*Injury No. 2 - A contused swelling of size 15x10cm on the right side occipital region up to the neck. O/D- Haematoma present.*

*Injury No. 3 - A Lacerated wound of size 1x1 cm, muscle deep, 8cm above the right ear.*

*Injury No. 3 (renumbered 4) - A Lacerated wound of size 3x2cm, muscle deep, mid of occipital area of the head.*

*Injury No. 4 (renumbered 5) - A contused swelling of size 6x4cm on the left side of the occipital region just behind the left ear. O/D- Haematoma present.*

*Injury No. 5 (renumbered 6) - An Abraided contusion with a scab of size 2x1cm at the left side of the forehead.*

*Injury No. 6 (renumbered 7) - An Abraided contusion with a scab of size 7x4cm at the temporal-frontal area, just a lateral angle of the right eye.*

*Injury No. 7 (renumbered 8) - An Abraided contusion with a scab of size 1x1cm at the back side of the right ankle joint.*

*Injury No. 8 (renumbered 4) - An Abraided contusion of size 2x2cm at the medial side of the left ankle joint.*

*In the opinion of the doctor, the cause of death was a coma due to antemortem head injuries. The date and time of admission to the hospital and death in hospital were noted as November 29, 2021, at 12:56 AM and December 07, 2021, at 6:10 AM, respectively.*

9. The case investigation was entrusted to SI Brajmohan Pal, who visited the scene, prepared the site map Exhibit Ka-15, collected inquest and postmortem reports, and recorded witnesses' statements. After Brajmohan Pal's transfer, SI Rajkumar Singh investigated the case and recorded the other witnesses' statements. Upon completing the investigation, the IO submitted a charge sheet against the accused, Arun Kumar, Anshu and Munnu alias Chandrapal, under sections 302/34, 323, 324, 341, 504, 506 of the IPC in the Court of Chief Judicial Magistrate, Kannauj(CJM).

10. The learned CJM, Kannauj, took cognisance of the matter and, upon determining the case to be triable by the Court of Sessions, committed the case to the Court of Sessions, following compliance with section 207 of the Code of Criminal Procedure (CrPC).

11. This court registered the case as Session Trial Number 263 of 2022 and framed the charges against the accused, Munnu alias Chandrapal, Arun Kumar, and Anshu, under sections 302/34, 323, 324, 341, 504, and 506 of the IPC. The accused pleaded innocence and claimed to be tried.

12. The prosecution examined witnesses to substantiate the charges against the accused, which are as follows:

**Witness of facts:**

PW2, Jitendra Kumar; the complainant and brother of the deceased individuals, as an eye witness,

PW3, Ashu; sister of the deceased individuals as an eye witness,

PW4, Annpurna; wife of the complainant as an eye witness,

PW5, Rinki; wife of deceased Ramdeen,

**Formal witnesses:**

PW1, Dr Vishal Gautam; conducted the post-mortem of the deceased Ramadeen.

PW6, Dr Rajesh Kumar Verma; conducted the post-mortem of the deceased Jugal Kishor.

PW7, HC Bhagwan Das; proved the FIR and GD.

PW8, SI Rajkumar Singh; recovered the baton and submitted the chargesheet.

PW9, SI Munnalal; the inquest officer, prepared Panchayatnama of Ramdeen, a Letter to CMO for postmortem, Photo Corpse, sample seal and Challan Corpse,

PW10, SI Brajmohan; prepared the site map and recovery memo of the baton.

PW11, SI Ramraj Yadav; conduct the inquest of deceased Jugal Kishor and prepared Panchayatnama, Letter to CMO for postmortem, Photo Corpse, sample seal and Challan Corpse,

13. The prosecution produced the following papers under documentary evidence:

Exhibit Ka-1, Postmortem report of Ramdeen; proved by PW1,

Exhibit Ka-2, Tahrir; proved by PW2,

Exhibit Ka-3, IInd Tahrir; proved by PW2,

Exhibit Ka-4, IIIrd Tahrir; proved by PW2,

Exhibit Ka-5, Postmortem report of Jugal Kishore; proved by PW6,

Exhibit Ka-6, FIR; proved by PW7,

Exhibit Ka-7, G.D No 62; proved by PW7,

Exhibit Ka-8, Memo of the recovery of the baton; proved by PW8,

Exhibit Ka-9, Chargesheet; proved by PW8,

Exhibit Ka-10, Panchayatnama; proved by PW9,

Exhibit Ka-11, Letter to CMO for postmortem of deceased Ramdeen; proved by PW9,

Exhibit Ka-12, sample seal of cloth of the deceased Ramdeen; proved by PW9,

Exhibit Ka-13, Photo Corpse; proved by PW9,

Exhibit Ka-14, Challan Corpse; proved by PW9,

Exhibit Ka-15, Site Map; proved by PW10,

Exhibit Ka-16, Memo of the recovery of the baton on behest of accused Arun Kumar; proved by PW10,

Exhibit Ka-17, Panchayatnama; proved by PW11,

Exhibit Ka-18, Letter to CMO for postmortem of deceased Jugal Kishor; proved by PW11,

Exhibit Ka-19, sample seal of cloth of the deceased Ramdeen; proved by PW11,

Exhibit Ka-20, Photo Corpse; proved by PW11, and

Exhibit Ka-21, Challan Corpse; proved by PW11.

14. During the examination conducted under Section 313 of the Criminal Procedure Code, the accused persons asserted that they were innocent. A false report was filed against them. At the time of the incident, they were at a farm 1.5 km from their house.

15. No oral evidence has been produced in defence.

16. I heard the arguments presented by the learned District Government Counsel (DGC) (Criminal) and the defence counsel. The learned defence counsel mainly argued that either the deceased individuals had fallen from a motorcycle and sustained injuries or the complainant had assaulted them, as

the complainant and deceased Jugal Kishore both wanted to marry Annapurna. They later died during treatment, and due to personal enmity, the accused were falsely implicated as an afterthought. He also argued that the whole family has been falsely implicated, including juvenile Hukka, whose trial is pending before the Juvenile Justice Board. I carefully reviewed the evidence and all material available in the record.

17. Jitendra Kumar, PW-2, testified during his examination-in-chief on October 3, 2022, that the incident occurred about 11 months prior. On November 28, 2021, he and his brothers Ramdeen and Jugal Kishore went to their potato field in the afternoon. Upon arriving, they discovered Arun Kumar from the village cutting their farm ram. The brothers confronted Arun and stopped him from cutting the ram, which made Arun angry, and he left.

18. Later, around 6:00 PM, as the three brothers returned from the field, they were surrounded in front of Ramnaresh's house by Arun Kumar, Anshu, and Hooka alias Ankit, who were also from their village. The assailants were armed with stick batons and axes, and they began to abuse and physically attack the brothers. As a result of the assault, all three brothers sustained injuries and were left covered in blood; both Jugal Kishore and Ramdeen lost consciousness. With the assistance of nearby villagers, Jitendra could take his brothers to C.H.C. Hospital in Gugrapur. Since Jitendra had less severe injuries, the doctor treated him with medication and bandaged his head, while Ramdeen and Jugal Kishore were sent to Medical College Tirwa due to their more serious conditions.

19. Eventually, the doctors referred them to Hallet Hospital in Kanpur for further treatment. Their mother took them to Hallet Hospital, where Jitendra had Avinash Dohre write an application, which he submitted to the Gursahaiganj Police Station, leading to their case registration.

20. The distance from the incident scene to the police station is 12 kilometres. The incident was reported to the police station at 10:36 PM on November 28, 2021. The injured individual, Ramdeen, was admitted to Hallot Hospital in Kanpur at 1:23 AM on November 29, 2021. The incident occurred around 6:00 PM on November 28. The injured were initially taken from CHC Gugrapur to the District Hospital in Kannauj and then transferred to Hallot Hospital in Kanpur. Under these circumstances, I find no delay in filing the FIR.

21. PW2 confirmed his signature on both panchayatnama documents and stated that, due to the serious condition of both his brothers, he submitted a written complaint to the police on November 28, 2021, inadvertently omitting the name of the accused, Munnu alias Chandrapal. After the last rites of his brother Ramdeen, he submitted an application (Exhibit Ka-3) at Gursahaiganj on December 2, 2021, which detailed Munnu alias Chandrapal's involvement in the incident. The police took his statement three times, and based on his information, the police created a map of the crime scene. He provided the police with all this information.



22. The witness was cross-examined extensively on four dates: November 17, 2022, May 03, 2023, May 08, 2023, and May 31, 2023. During the cross-examination on November 17, 2022, PW2 stated that Arun, Ansul and Hukka are real brothers and Munnu, also known as Chandrapal, is the uncle of Arun Kumar. The witness described the occurrence place in detail. He stated that the incident occurred on the north-south road correctly, as mentioned in the site map Exhibit Ka-15. No significant discrepancy exists between the witness's statement and the site map. He further stated that the animosity was regarding the farm, which is 50-60 meters from the village. The farm field in question has disputed boundaries to the east and west, adjacent to Munnu's farm, while the northern boundary is next to Taylor's farm. The accused were ploughing Taylor's field. Taylor was ploughing in his field, which has been occurring for a long time—for the past twenty years. The witness did not take any action against Taylor, nor did Taylor take any action against the accused. He had no dispute with Taylor concerning their ploughing of the field, and they were doing so with his consent. Aside from the tension related to this field, there was no other animosity between the witness and the accused. At the time of the incident, the potato crop was excavated from his field.

23. According to the testimony of PW2, it is clear that Munnu, also known as Chandrapal, was not present during the assault. The omission of Munnu's name in the FIR was due to his absence at the scene, so the complainant could not include Mannu's name in the promptly lodged FIR. However, it is essential to note that Munnu had a dispute with both the complainant and the deceased individuals, as their farm fields share adjoining boundaries, which served as the motive behind this incident. The complainant named Munnu four days after the incident. While it is evident that naming Munnu was an afterthought, I believe this was not intended for false implication but rather to identify the mastermind behind the incident. Nevertheless, the prosecution failed to present any evidence supporting claims of Munnu's involvement through provocation or conspiracy. During the trial, Munnu passed away, and the charges against him were dropped.

24. Now, the question arises: if the witnesses are relatives and not injured, their presence may be called into question, as argued by the defence counsel. PW2 claimed to have sustained a head injury; however, there is no medical report to support this claim. Treatment certificates issued by CHC Gugrapur, labelled as paper number 9A/23, indicate that PW2 experienced a minor head injury. Paper numbers 9A/24 to 9A/43 are bedhead tickets for deceased individuals from the District Hospital in Kannauj. Since the prosecution has not verified paper number 9A/23 by calling the treating doctor to testify, it cannot be concluded that PW2 qualifies as an injured witness.

25. The next question is how PW2 managed to avoid serious injuries. During cross-examination on May 5, 2023, PW2 stated that after the quarrel, he went home to call his sister Ashu Kumari and his mother Rambeti. Upon returning to the scene with them, he found Ramdeen and Jugal Kishore lying unconscious. It is evident that at the start of the quarrel between the accused

party and the complainant party, PW2 was present. He left to inform his family about the altercation, and when he returned, he discovered his brothers lying unconscious. It may be possible that his sister did not reach the occurrence simultaneously. Some minor contradictions are bound to happen in all testimonies.

26. During further cross-examination, the witness described how he transported his injured brothers to CHC Gugrapur, Medical College Tirwa, and finally to Hallot Hospital in Kanpur. He stated that he lodged the FIR at midnight, although the report was at 22:36. This discrepancy is insignificant.

27. It is not surprising that the witness claims this case arose from personal enmity. Considering his rural background and educational level, which only extends to the 8th grade, it is plausible that he may have exaggerated his state of unconsciousness when filing the FIR. PW4 stated that her husband, after being taken to the hospital in an ambulance, returned home at 11 o'clock at night and went to sleep, and she met her husband the following day. This leads to the argument that the FIR was filed ante-timed. However, this argument is weak because she herself confirms that her husband lodged the FIR, and PW7, who registered the FIR at the police station, verifies that Jitendra came to file the FIR with Rampravesh at 10:30. Therefore, Jitendra could have returned home by 11 o'clock after filing the FIR.

28. It is also unclear to whom the witness refers regarding the brother who visited after a heated discussion with Arun in the field. The witness acknowledged that he married his widowed sister-in-law, Annapurna. Still, he denied that Jugal Kishore also wanted to marry her, suggesting that this was a motive for killing his brothers. This suggestion holds no weight. Furthermore, the idea that the deceased died in a motorcycle accident is entirely unfounded. I believe PW2 was an eyewitness, and his testimony is reliable.

29. Prosecution witness PW3 Ashu, wife of Vishal, stated under examination-in-chief that on November 28, 2021, her three brothers, Jugal Kishore, Ramdeen, and Jitendra, went to the field around 5 PM. Arun Kumar had cut the boundary of their field. When her brothers arrived and saw the cut boundary, they confronted Arun about it. After that, Arun left for his house before her brothers returned home.

30. On their way back, when they reached Naresh Mali's house, they were attacked by Arun, Anshu, Hukka (also known as Ankit), and Munnu (also known as Chandrapal). The assailants assaulted Jugal Kishore, Ramdeen, and Jitendra with an axe, an iron rod, and sticks. She couldn't remember which weapons attackers were held in their hands. Many nearby people witnessed the incident and came to help. The attackers then threatened to kill her brothers and fled the scene.

31. As a result of the injuries sustained during the attack, Jugal Kishore and Ramdeen fell unconscious, while Jitendra was also injured. Shortly after, the police, represented by the 100-number vehicle, and an ambulance (108 number) arrived at the scene. She does not know who applied to report the incident. During their treatment, both Jugal Kishore and Ramdeen succumbed



to their injuries. Ramdeen died on November 29, 2021, and Jugal Kishore died on December 7, 2021. The police officer conducted inquiries and recorded statements regarding the incident.

32. During cross-examination, the witness stated that she, Jitendra, and others left for Kanpur from Medical College Tirwa at around 1:00 AM and arrived between 3:30 and 4:00 AM. They admitted their brothers to Hallett at approximately 2:00 to 2:30 AM. Jitendra stayed in Kanpur Hallett the entire night. After admitting both brothers, he returned.

33. It is evident that the witness provided self-contradictory statements, likely due to her rural background and uncertainty about the specific timing of events. Additionally, this witness was examined about one and a half years after the incident, and the passage of time can diminish memory. Different individuals have varying memory capacities, and unimportant ancillary events can fade quickly.

34. However, these contradictions are not significant. The witness may have forgotten whether Jitendra went to Kanpur for admission to Hallett. No other material discrepancies arose during her cross-examination. Overall, this witness is considered reliable.

35. Prosecution witness PW-4, Annapurna, the wife of Jitendra Kumar, testified during examination-in-chief that on November 28, 2021, she was performing household chores at home. Her husband, Jitendra, and her brothers-in-law, Ramdeen and Jugal Kishore, had gone to the fields where the boundary of their property was being cut by the accused, Arun Kumar, from their village. Her husband and brothers-in-law opposed the cutting of the boundary. Taking this as a grudge, the accused ambushed them with sticks and sharp weapons, conspiring to harm them as they returned home from the field.

36. At around 6:00 PM, the children of her home ran home. They informed her that Arun Kumar, Anshu, Hukka (alias Ankit), and Munnu (alias Chandrapal) were beating and abusing their father and uncle. She then rushed out of the house to reach the location of the incident. Arun, along with his three friends, were beating her husband and brother-in-law Ramdeen and Jugal Kishore. Both her brothers-in-law were seriously injured. Blood was oozing from their heads. Both of them fell unconscious there. When they reached there, people from the neighbourhood also came. Upon hearing their screams, Arun Kumar, Anshu, Hukka (also known as Ankit), and Munna (also known as Chandrapal) abandoned her two brothers-in-law, believing they were dead.

37. They called for an ambulance. Her husband, mother-in-law, and local villagers transported Ramdeen and Jugal Kishore to Gugrapur Government Hospital by ambulance. From there, the doctor referred them to Tirwa Medical College for further treatment. However, the doctors at Tirwa Medical College, recognising the severe condition of both Ramdeen and Jugal Kishore, transferred them to Kanpur Hallett Hospital for better care. Her family members accompanied them. On November 29, 2021, her brother-in-law Ramdeen passed away due to injuries. Her elder brother-in-law, Jugal

Kishore, was receiving treatment at that time; however, he also died on December 7, 2021, at Hallett Hospital in Kanpur. They performed the last rites for both brothers-in-law. Her husband, Jitendra Kumar, filed a report regarding this incident at the Gursahaiganj police station. The police from the Gursahaiganj station visited the village to conduct inquiries and question her.

38. The witness testified during cross-examination that she was on the farm with her brother-in-law, Ramdeen, and Jugal Kishore. They arrived at the farm at 5 o'clock. This farm is located 15 to 20 kilometres away from her house. She returned from the farm at 4:30 p.m. with both her brothers-in-law and her husband, Jitendra Kumar. They reached home around 5 o'clock.

39. They sat down at home but did not eat; instead, they had tea. During her questioning, Daroga Ji asked her about their return, and she clarified that she, her brothers-in-law, and her husband had come home at 5 p.m. She also mentioned that a quarrel started at the door of Arun with Arun around 5:30. She did not go. Both of her brothers-in-law went to Arun's door from their home.

40. When she reached, she found both her brothers-in-law lying unconscious on the ground, face down. She had informed Daroga Ji that when she came, her brothers-in-law were lying unconscious. Daroga Ji took her statement on the night of November 28, 2021, and she did not have further contact with him afterwards.

41. The witness's statements during examination-in-chief and cross-examination appear contradictory regarding whether the incident occurred while returning from the field or going to the accused's house. This may be due to the fade of memory due to the lapse of time. Whatever the reason, cross-examination shows that the witness reached just after the assault and saw the accused people on the occurrence. Hence, the witness is not fully reliable.

42. Prosecution witness PW-5, Rinki, testified during her examination-in-chief that her husband, Ramdeen, had gone to their fields on November 28, 2021, along with her brothers-in-law, Jugal Kishore and Jitendra Kumar. During this time, Arun Kumar, a resident of their village, cut the boundary of their field, which her husband and brothers-in-law opposed. Arun Kumar grudged against Ramdeen and his brothers because of this dispute.

43. After some time, as her husband was returning home with his brothers around 6 PM, Arun Kumar, Anshu, Hukka alias Ankit (sons of Mahavir), and Munnu alias Chandrapal (son of Jivalaal) surrounded Ramdeen, Jugal Kishore, and Jitendra Kumar on the path, wielding sticks in their hands and began to abuse them verbally. They proceeded to beat Ramdeen and his brothers with sticks and sharp weapons, intending to kill them. While watching the fight, the children from her home rushed back to tell her everything. She, with others from her house, ran to the scene. There, she saw that Arun Kumar, Anshu, Hukka (also known as Ankit), and Munnu (also known as Chandrapal) from her village were assaulting her husband,

Ramdeen, and her brother-in-law, Jugal Kishore, by pinning them down on the ground.

44. As a result, her husband, Ramadin, and her brother-in-law, Jugal Kishore, sustained serious injuries. Blood oozed from their heads, and both had fainted. Brother-in-law Jitendra Kumar had fewer injuries. When he and other villagers shouted and challenged the attackers, the assailants left, thinking they were dead. An ambulance arrived after being notified. Jitendra Kumar, along with the family members, took her husband Ramadin and brother-in-law Jugal Kishore to the government hospital in Gugrapur for treatment. From there, they were referred to Tirwa Medical College. The doctors declared their condition critical and subsequently transferred them to Hallet Hospital in Kanpur.

45. On November 29, 2021, her husband Ramadin passed away during treatment at Hallet Hospital. Jugal Kishore's treatment continued; however, he also died on December 7, 2021, at Hallet Hospital. Jitendra Kumar filed a report regarding this incident at the Gursahaiganj police station. The post-mortem examinations for both Ramadin and Jugal Kishore were conducted in Kanpur, and the Panchayatnama documentation was filled out there.

46. Ramadin was cremated first, followed by Jugal Kishore a few days later. The police at Gursahaiganj police station took her statement regarding the incident.

47. During cross-examination, the witness stated that she, along with her mother-in-law and both her younger and elder sisters-in-law, arrived at the scene. They discovered her husband, Ramdeen, and her brother-in-law, Jugal Kishore, lying on the ground. There was no motorcycle present. Victims had come to the location on foot. The witness further stated that upon her and her mother-in-law and both younger and elder sisters-in-law's arrival, no one was at the scene initially, but their shouts drew in others. She couldn't recall all the names of those who showed up. The witness further stated that she and her mother-in-law and both younger and elder sisters-in-law arrived at the spot half an hour after hearing the news. Her mother-in-law and sisters-in-law accompanied her. When they arrived, the accused individuals were charging sticks and batons. She was unsure how many times Munnu struck Jugal Kishore with a stick. She mentioned that if she had been there, she would have saved.

48. From the cross-examination, it is evident that when this witness arrived at the occurrence, the assault was over. Victims were lying on the ground, blood was oozing out from their heads, and she saw the accused individuals on the spot with sticks and batons. Though this witness is not a direct eyewitness of the assault, she saw the end of the assault.

49. The police have recovered buttons used in the assault from accused Chandrapal and Arun from their house. The police found blood-like stains on the baton recovered from the accused, Arun. Still, the prosecution did not submit the FSL report. If eyewitness accounts are reliable, lack of proof of

weapon is not fatal for the prosecution. There is no dispute on evidence of formal witnesses; hence, their testimonies' detailed discussion is not required.

50. As per postmortem reports, deceased Ramdeen received three injuries on the vital part head from three different sides. Deceased Jugal Kishore also received seven injuries on the vital part head from different sides. It was a meticulous assault with repeated blows to the heads resulting in death, which certainly falls under section 302, read with 34 of the IPC. The victims were surrounded and assaulted; hence, the charge under Section 341 IPC is also proved.

51. Considering all facts, circumstances and evidence on record, charges labelled against accused Arun Kumar and Ansu stand proved under sections 302 read with 34 and 341 of the IPC. There is no incised wound on both deceased. There is no definite evidence regarding sections 324, 504 and 506 of the IPC. Finding accused Arun Kumar and Anshu guilty of the offences punishable under sections 302 read with 34 and 341 of the IPC only, they are being convicted under sections 302 and 341 of the IPC and acquitted under sections 324, 504 and 506. There is no need to convict the accused under section 323 of the IPC as they have been convicted under section 302 of the IPC. Accused Arun Kumar is in jail, and accused Anshu is on bail. Accused Anshu is taken into custody. His bail bond is cancelled, and sureties are discharged. The next date fixed is February 21, 2025, for a hearing on the quantum of punishment.

Date: February 18, 2025

(Chandroday Kumar)  
Sessions Judge,  
Kannauj

### **February 21, 2025**

The convicts, Arun Kumar and Anshu, as well as their learned counsel, appeared in the court.

I heard about the quantum of punishment.

The convicts have submitted that this is their first offence. They have no criminal history, either before or after this case. They are the earning members of the family and have responsibilities toward the family. Convict Arun has liabilities toward one child and his parents.

Learned DGC (Criminal) has submitted that the convicts caused dual brutal murder. Both were brothers. Hence, convicts should be punished with maximum punishment to convey a stern message to society.

Considering all the mitigating and aggravating conditions and the facts and circumstances of the case, I believe that this is not the rarest of the rare cases. I am of the view that upon conviction under section 302 of the IPC, the punishment of life imprisonment to convicts Arun Kumar and Anshu and a fine of Rs. 1 lakh each, and upon conviction under section 341 of the IPC, one-month simple imprisonment to convicts Arun Kumar and Anshu and a fine of Rs. 500 each, would serve the ends of justice.

**ORDER**

Upon conviction under Section 302 of the IPC in Case Crime No. 670 of 2021, Police Station Gursahayganj, District Kannauj, both convicts, Arun Kumar and Anshu, are sentenced to life imprisonment and a fine of Rs. 1,00,000 (One Lakh) each. In default on payment of the fine, both the convicts shall have to undergo imprisonment for six months.

Upon conviction under Section 341 of the IPC, both convicts, Arun Kumar and Anshu are sentenced to one month of simple imprisonment and a fine of Rs. 500 (Five Hundred) each. In default of payment of the fine, both the convicts shall have to undergo imprisonment for fifteen days.

The period spent in jail shall be set off. All sentences shall run concurrently. Accordingly, the conviction warrant shall be prepared, and the convicts shall be sent to prison to serve their sentences. The dependents of the deceased people shall receive eighty per cent of the fines as compensation.

A copy of this judgment shall be provided to the convicts free of charge.

The case is referred to DLSA for consideration under the Victim Compensation Scheme. Records shall be consigned to the record room as per law.

Date: February 21, 2025

(Chandroday Kumar)  
Sessions Judge,  
Kannauj

I signed, dated and pronounced the judgment in the open court today.

Date: February 21, 2025

(Chandroday Kumar)  
Sessions Judge,  
Kannauj.