
(2021) 01 JH CK 0173

Jharkhand High Court

Case No: Criminal Appeal (S.J.) No. 1258 of 2003

Baleshwar Hansda And
Ors

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision: Jan. 15, 2021

Acts Referred:

- Indian Penal Code, 1860 - Section 147, 148, 149, 307, 323, 324, 341, 379, 447
- Code Of Criminal Procedure, 1973 - Section 144

Hon'ble Judges: Ratnaker Bhengra, J

Bench: Single Bench

Advocate: Mahesh Kumar Sinha, Lukesh Kumar, Rajesh Kumar Mahtha

Final Decision: Dismissed

Judgement

1. This Criminal Appeal has been preferred against the judgment of conviction dated 3rd July, 2003 and order of sentence dated 4th July, 2003 passed

by the Additional District & Sessions Judge, Fast Track Court No.-IV, Deoghar in connection with S.C. No. 358 of 2001/ S.T. No. 127 of 2002 arising

out of Palajori P.S. Case no. 123 of 2000, whereby and where under appellants were convicted under section 148, 323/149, 324/149 and 447/149 of

IPC. Appellants were sentenced to undergo S.I. for three months under section 148 of the Indian Penal Code, S.I. for three months under section

323/149 of the Indian Penal Code and S.I. for six months under section 324/149 of the Indian Penal Code and under section 447/149 of IPC a fine of

Rs. 500/- each and in default of which the appellants were sentenced to undergo simple imprisonment for two months under section 447/149 IPC. All

the sentences were directed to run concurrently.

2. A memo no. 765 dated 26.02.2019 has been received from S.P., Deoghar wherein it has been stated that appellants no. 3 Madhu Hari, appellant no.

5 Khushru Mandal, appellant no. 6 Jitendra Mandal and appellant no. 8 Lukhiram Hansda have died. Hence, appeal of these appellants stands abated.

3. The case of the prosecution as narrated by the informant Chandra Shekhar Singh in his written report dated 31-12-2000 is that on 31.12.2000 at

about 2:00 p.m. at village Rangatanr the informant and his labourers were engaged in cutting paddy crops on his plot no. 265. In the meantime a mob

from Koyari Tola, Mandal Tola and Jhajha Tola of village-Rangatanr armed with deadly weapons came there and surrounded him and asked his

labourers to stop cutting paddy crops. All the labourers out of fear fled away from the scene and finding him alone, all the accused persons started

abusing and assaulting him. Informant further stated that accused Baleshwar Hansda assaulted him with pointed portion of arrow on his head, Sarkar

Soren and Chander Soren assaulted him with iron rods causing grievous injuries on the head and temporal region of the informant as a result of which

the informant fell down. Madhu Hari, Hakim Hansda, Lukhiram Hansda and Puran Mandal armed with lathi and danda assaulted the informant with

lathi and danda causing several injuries on left shoulder and waist of the informant. When accused persons were assaulting the informant, accused

Jitendra Mandal, Khushru Mandal, Kaila Mahto and about 10-12 persons were instigating the mob to assault the informant. On hearing hulla, mother

of the informant came there and requested the accused not to beat her son but she was also assaulted due to which she also sustained injuries.

Thereafter, informant's father along with few men rushed to the scene and on seeing them all the accused persons fled away with bundles of paddy

crops and also threatened the informant with dire consequence.

4. On the basis of the written report Palajori P.S. Case No. 123 of 2000 was registered against the accused persons under sections 147, 148, 149, 447,

341, 323, 324, 307 and 379 of the Indian Penal Code. After completion of investigation charge sheet was submitted against the accused-appellants

under sections 147, 148, 149, 447, 341, 323, 324, 307 and 379 of the IPC and cognizance of the offences were taken and the case was committed to

the court of sessions for trial. Charges were framed against the accused persons under sections 148, 323/149, 324/149, 341/149, 447/149, 307/149 and

379/148 of the IPC. Trial was held and at the conclusion of the trial the accused or appellants herein were convicted and sentenced aforesaid. Hence,

this appeal.

5. In order to prove its case, the prosecution has examined altogether 8 witnesses and 3 witnesses were examined as court witnesses out of whom

C.W.1 Chandra Shekhar Singh is the informant of the case; P.W.1 Madan Mohan Singh is the father of the informant and P.W.2 Pramila Devi is the

mother of the informant; P.W.3 is Amit Kumar; P.W.4 is Man Mohan Singh; P.W.5 is Kalindo Murmu, who is a labourer; P.W.6 is Gannu Singh;

P.W.7 Kale Soren and P.W.8 Bodhi Tudu are also a labourers. C.W.2 is Dr. Diwakar Kamath and C.W.3 is Bisun Dayal Rai, who is the

Investigating Officer of the case.

6. C.W.-1 Chandra Shekhar Singh is the informant of this case deposed that he had given written information about the incident in the police station

under his pen and signature, on the basis of which the writer of Palajori P.S. had prepared an application, the carbon copy of the same is before him

which bears his signature. He further deposed that his original application was lost in the police station. Informant further deposed that the incident is

of 31.12.2000 at 2 O'clock in the afternoon he was getting his paddy crop cut on his land at plot no. 265 at village Rangatanr. In the meantime 15 to 20

persons came including Baleshwar armed with the arrow, Chander and Sarkar armed with iron rod and Baleshwar, Hakim, Dukhram, Chander Soren,

Sarkar, Jitendra, Khushru were armed with lathi and also Puran, Kaila and Madhu were with them. Accused persons told the labourers, who were

cutting his paddy crop to flee away and when the informant objected then Baleshwar shot an arrow which hit above his left eye causing injury.

Chander attempted to assault on his head with the rod but he bend down and escaped. Sarkar attacked on his temple with another rod. On his making

alarm, his mother reached there and covered the informant with her aanchal but even then the accused persons continued attacking with lathi and his

mother also sustained injuries. When members of his family arrived then the accused persons fled away taking 200 bundles of harvested paddy crops

along with them. Informant further deposed that he knows all the accused persons and they all are present in the court today. He had got his injuries

treated. He has also deposed that the signature on the carbon-copy of the written report is his. In his cross-examination informant in paragraph no.2

deposed that he has houses at Sabejor and Ranganr and Ranganr is at a distance of 3 km from Sabejor. Some of his family members resides in

Sabejor and some in Ranganr while he himself resides in Deoghar. Ranganr village consists of 70-80 houses and except the accused persons he

has good relation with the people living in that village. Informant further deposed that a case under section 144 Cr.P.C. had taken place for the plot

from which the accused person had taken away the paddy crop. He is unable to tell the name of any of the labourers but they were 15-16 in number.

Accused Baleshwar assaulted him with arrow by holding it in his hand and he had not attacked him by shooting the arrow with bow. The arrow had

not penetrated his body rather there was cut caused by the arrow. He was not attacked thereafter, by the arrow as he had caught hold the arrow. He

was hit by the rod on his head and temple. Informant further deposed that the appellant Sarkar Soren had assaulted on his head with the rod then on

first assault by the rod, he sat down and on second assault by the rod he was hit on his temple. In the meantime, his mother came and covered him but

attack by the lathi continued. In para-5 informant deposed that on raising alarm when his father and other family members came there then the

accused persons fled away. The blood had oozed out from his injury. He further deposed that he was conscious after being assaulted and he had given the blood stained clothes to the police.

7. PW-2 Pramila Devi is the mother of the informant. She had deposed that the occurrence took place on 31 st December, 2000 at about 2:00 O'clock

in day. On hearing hulla, she went to the field and saw that blood was oozing from left side of the head of her son Chandra Shekhar. The upper

portion of arrow was in the hand of Baleshwar and iron rod in hand of Chander and Sarkar. Lukhiram, Puran, Jitendra, Khusru Mandal, Kaila Mahto

and Madhu Hari were also present there armed with lathi. Accused person were assaulting her son with their weapons. P.W.2 further deposed that

she covered her son with her body. The accused persons were saying to kill her. She was assaulted by the accused persons on her waist and left

hand. She had identified all the accused persons. In her cross-examination at paragraph no.2 she has deposed that she has houses at both village at

Sabejor and Rangatanr. She lives alone at village Sabejor, though her husband and son do not live there. In paragraph no.3 she deposed that there are

three tolas in Rangatanr and she is unable to say that how many houses are in three tolas and they have any dispute with them. She further deposed

that when she went to the field fifteen labourers were harvesting the paddy. She further deposed that she is unable to recall the name of any of the

labourers. When she reached the place of occurrence her son was standing on the ridge and the accused persons had surrounded him from all side.

She had covered her son but she was also assaulted. When her family members came at the place of occurrence then the accused persons fled away

giving threats to them.

8. (i) C.W.-2 is Dr. Diwakar Kamath. He had examined the injured C.W.1 or Chandra Shekar Singh and found following injuries on his body:-

(1) Sharp cutting wound 1/6" x 1/8" x whole skin deep on left side of head.

(2) Bruise 1" x 3/4" on left shoulder. (3) Bruise 2" x 1" on right side of waist.

Doctor opined that all the injuries were simple in nature and injury no.1 was caused by any sharp and pointed weapon such as arrow and rest injuries

were caused by hard and blunt substance like iron rod or lathi. The injury report of C.W.1 was marked as Ext.-1

(ii) C.W.2 also examined the injured P.W.2 or Pramila Devi and found following injuries on her body:-

(1) Lacerated wound 3/4"" x 1/8"" x skin deep on left elbow. (2) Bruise 3""x1"" on right thigh in upper part.

Doctor opined that both the injuries were simple in nature and were caused by hard and blunt substance like iron rod or stick. The injury report of

P.W.2 was marked as Ext. 1/1.

9. PW-1 Madan Mohan Singh is the father of the informant. He deposed that on hearing hulla, he went to plot no. 265, which belongs to his nephew.

He saw that his son was lying and his wife was lying over him and Baleshwar was assaulting his son Chandra Shekhar with arrow, Chander and

Soren with rod and Jitendra, Puran, Dukhiram with lathi and his wife was saving his son. Baleshwar assaulted his son on his temple and left eye with

arrow, Chander and Sarkar assaulted his son with rod. These accused person who were ten in number also assaulted his wife. He identified all the

accused persons. In his cross-examination P.W.1 deposed that the accused persons did not possess dag no. 265 and it is wrong to say that accused

had possessed this land. He further deposed that his son was lying on the ridge of the field when he went to the place of occurrence and he was little

bit unconscious at that time and when they pushed him he regained his consciousness. He saw blood oozing out from the left side of the eye on the

temple of his son. His brother, nephew and some other persons came at the place of occurrence. No person of village Rangatanr had reached there.

He has further deposed that a case u/s 144 Cr.P.C. was subsisting with the accused persons relating to this land. Besides this he has also filed a case

u/s 379 IPC against the accused persons in which the informant is his nephew.

10. PW-5 Kalindo Murmu is a labourer. He has deposed that on the day of occurrence he was harvesting paddy in the field of Madan Mohan Babu of

Ranganr village and Shekhar Babu, who is the owner was also present there. In the meantime 30-40 persons arrived there armed with lathi, danda,

bow and arrow and iron rod. Lakhi Ram and Baleshwar were armed with bow and arrow and Khushru was armed with rod and rest other were

armed with lathi. All the accused persons assaulted Shekhar Babu. An arrow hit over the left eye of Shekhar as a result blood oozed out. He identified

all the accused persons.

11. P.W.-7 Kale Soren is also a labourer. He has deposed that on the day of occurrence he was working as labourer in the field of Shekhar Babu at

Ranganr. In the meantime 40-50 persons of Ranganr and Jhana armed with bow, arrow, rod and lathi reached at the place of occurrence.

Baleshwar was armed with bow and arrow. The accused persons caused them to run away and surrounded Shekhar Singh and assaulted him with

upper portion of arrow which caused injury to Shekhar. The rest of the accused persons assaulted Shekhar with lathi.

12. P.W.-8 Bodhi Tudu is also a labourer. P.W.8 has deposed that on the day of occurrence P.W.8 was harvesting paddy crops in the field of

Shekhar Babu. In the meantime Hansda Soren and 30 other persons arrived there armed with lathi, danda, bow and arrow. All the accused persons

assaulted Shekhar Babu and injured him. P.W.8 identified all the accused persons. In his cross-examination P.W.8 deposed that the accused persons

do not cultivate on the said land rather Shekhar Babu used to cultivate it.

13. P.W.-3 is Amit Kumar, who is the cousin brother of the informant. He has deposed that the occurrence is of 31.12.2000. He was at his home at

Ranganr. On hearing alarm he had gone to the field and saw that his aunt was holding bhaiya (informant) and the accused Sarkar and Chander were

assaulting him with iron rod. He had identified all the accused persons.

14. P.W.-4 is Man Mohan Singh, who is the uncle of the informant. He has stated in his evidence that on the day of occurrence on hearing hulla he

went to plot no. 265 and saw Baleshwar was armed with arrow, Chander and Sarkar were armed with rod and remaining other persons were armed

with lathi. Shekhar had sustained injury at the right side of his head and Shekhar's mother Pramila had also sustained injury. In his cross-examination

P.W.4 stated that a case under section 144 Cr.P.C. is subsisting in the court of DC and another case relating to harvesting of paddy is also pending

against these persons. He further deposed that the accused persons wanted to grab the land as they are more in number.

15. CW-3 Bisun Rai Mahto is the Investigating Officer of the case. He has stated in his evidence that on the basis of written application of the

informant Chandra Shekhar Singh, he had registered a formal FIR being Palajori P.S. case no. 123/ 2000. He has proved the carbon copy of the

formal FIR which was under his pen and marked as Ext.2. He deposed in paragraph-2 that original of the written application and formal FIR was lost

by the constable and he gave written information in this regard to the officer in charge of Palajori P.S. The photocopy of the application given in this

regard by constable no. 99 Gupteshwar Singh was marked as Ext.-3. He prepared injury requisitions of the injured persons which were marked as

Exhibit-4 and Exhibit- 4/1. C.W.3 further deposed that he had inspected the place of occurrence which was a field of four beds of paddy crops in plot

no. 265 at village Rangatanr, P.S. Palagore out of which one bed was found to be harvested. In his cross-examination he deposed that the chowkidar

and the informant had shown him the place of occurrence but he has not recorded the statement of the chowkidar.

ARGUMENTS ON BEHALF OF APPELLANTS:

16. Learned counsel for the appellants Lukesh Kumar who has been appointed as Amicus Curiae has argued that the entire case has to be seen in the

background of land dispute which was subsisting between both the parties. As many as three witnesses i.e. C.W.-1 and PW-1 and PW-4 have all

attested about this land dispute between the parties. Learned counsel says that when the dispute is subsisting the allegation is to be looked very

cautiously and in this regard Ext. 6,7,8 and 9 are the documents which would reveal the dispute between the parties. Learned counsel further pointed

out the evidence of PW-6 at paragraph-3 wherein it is revealed that there are 80 houses in the village Ranganr and there was dispute between all

the people lived in the village. Learned counsel submitted that when there was dispute between so many people, appellants have been pointed only to

entangle them in the case. Learned counsel therefore, says that with such background of dispute the allegations need to be taken most cautiously.

Learned counsel also argued that in this case the original FIR is lost and Ext.2 or formal FIR is merely a photocopy of the FIR. Ext.3 is merely a photo

copy which shows that original FIR is lost. Counsel therefore says that when there is no original FIR then it may not be wise to rely on such

evidences. Learned counsel says that it has come in the evidences that there was already as many as 30-40 persons allegedly involved in the assault

and only nine persons were sent up for trial out of whom an initial charge was also under section 307 r/w section 149 of the IPC but no conviction was

done under section 307 r/w section 149 IPC. Though conviction has been done under other sections of the IPC and since there are only two persons

claiming to be eye witnesses i.e. CW-1 and PW-2 but their evidence cannot be relied on the background of enmity.

Learned counsel further submitted that the incident has allegedly occurred in a field where harvesting was taking place and the appellants had

objected and the informant's labourers were present there. The labourers would have been independent witnesses but from the evidence of PW-

5, PW-7 and PW-8 they have not seen who assaulted whom and with no specific and corroboration of evidence by independent witnesses, these

labourers who were there, the question arises can the evidence of CW-1 and PW-2 can be believed. Since the evidence of PW-5, PW-7 and PW-8

are only to the extent that even though they were present at the place of occurrence when the alleged occurrence took place they said they fled away

then it would not be proper to sustain the conviction and sentences against the appellants. Learned counsel also argued that it was only appellant no.1

who is said to have arrow in his hand and caused injury on the head of the informant may be attributed to appellant no.1 and therefore the offence

under section 324 IPC may only be attributed to only one person. It has come in the evidence of family witnesses that there were as many as 30 to

40-50 persons so it would be very difficult to determine as to who had assaulted with what and on which part of the body of CW-1 and PW-2. There

were nine accused who were sent up for trial and therefore the offence of section 324 IPC in the light of appellant no.1, carrying the arrow may at

the most be attributed towards appellant no.1 if at all. Counsel for the appellant pointed out the other description or inconsistencies in the evidence

including PW-1 who is father of the injured or informant who has deposed that when he reached the place of occurrence his son was unconscious but

mother of the injured who is said to be an eye witness or PW-2 has deposed that her son was not unconscious. Learned counsel therefore says that

the mother and father of the injured are crucial witnesses and their testimony regarding the son was conscious or unconscious would create a

significant doubt.

17. Learned counsel for the appellants has also argued that doctor or C.W.2 has opined that the injuries were simple in nature and therefore, no

serious offence can be made out. Moreover given the reasoning of absence of the original FIR, background of enmity and large number of accused

along with inconsistent evidence of the prosecution witnesses the offences are further mitigated or not believable at all. Further no blood stained soil or

earth was recovered or exhibited and arrow was not seized or exhibited makes the prosecution case further doubtful. Finally, learned counsel has

pleaded that occurrence is of the year 2000, and the appellants have already undergone much hardships and rigors of trial and this may be considered

while deciding this case.

ARGUMENTS ON BEHALF OF STATE:

18. Learned counsel for the state on the other hand has argued that this is a case with overwhelming evidence. Firstly there are two injured witnesses

that is CW-1 informant and his mother PW-2. Counsel says that the evidence of injured witnesses are more reliable and cannot be ignored.

Particularly, when the ocular evidence of the injured eye witnesses is corroborated by the medical evidence of the doctor or CW-2. Therefore, ocular

evidence is corroborated by medical evidence of not simply one witness but two witnesses therefore, the case against the appellants is fully believable.

19. Learned APP further argued that if we take the evidence of the other important witnesses i.e. the labourers who are PW-5, PW-7 and PW-8 it

appears that all of them were present at the place of occurrence at the time of incidence and from the evidence taken together we find that they were

working at the time of occurrence with other labourers. It has also been revealed from the evidence that they were already working there from last

four days. From the evidence it also appears that there was some enmity between the parties and therefore, based on these enmity the accused

persons or appellants herein took action against the informant. Apart from the labourers the other family witnesses such as P.W.-1 Madan Mohan

Singh, P.W.-3 Amit Kumar and P.W.-4 Man Mohan Singh have also supported the case of prosecution. However, they have not seen the assault

taking place particularly by Baleshwar and Sarkar but they had reached there immediately and saw the injury on the person of the injured. It has also

come in the evidence of the informant and his mother that when the others had arrived at the place of occurrence then the accused persons fled away

and it would mean that at least the other family witnesses have seen the accused persons fleeing therefore, they have named the accused persons and

even recognized the accused persons before the trial court. Hence, based on the aforesaid arguments the conviction and sentences of the appellants

as passed by the learned trial court need to be fully sustained and upheld by this court.

FINDINGS:

20. Having heard both counsels, gone through the record and evidences and in the facts and circumstances I find -.

(i) In this case there are two injured witnesses-informant C.W.-1 Chandra Shekhar Singh and informant's mother or P.W.2 Pramila Devi. Informant

C.W.- 1 Chandra Shekhar Singh has stated in his evidence that on the day of occurrence he was getting his paddy crops cut by labourers on his land

at plot no. 265 at village Rangantr and in the meantime 15-20 persons came there including the appellants Baleshwar armed with arrow, Sarkar

armed with iron rod and Baleshwar, Hakim and Dukhiram, Sarkar, Jitendra, Khushru were armed with lathi and Puran, Kaila and Madhu were with

them. Appellants told the labourers to flee away. Thereafter, appellant no. 1 Baleshwar assaulted the informant with arrow on the upper part of his

right eye and appellant no. 4 Sarkar attacked with rod on his temple. When informant's mother or P.W.2 came to rescue the informant, she was also

assaulted by the appellants as a result she also sustained injuries. P.W.2 mother of the informant has also stated in her evidence that when she tried to

rescue her son by giving him cover, she was assaulted by the appellants as a result she sustained injuries on her waist and left hand.

(ii) PW-2 is the mother of the informant and other injured. She has deposed that on alarm she had gone to the field and saw blood was oozing from the

left side of the head of her son. Baleshwar was holding the upper portion of arrow in his hand and accused Chander and Sarkar were armed with rod

and remaining other accused persons were also present there armed with lathi. She further deposed that all the accused persons were assaulting her

son. She had covered her son with her body in order to save him but she was also assaulted by the accused persons as a result she sustained injuries

on her waist and left hand.

(iii) Dr. Diwakar Kamath or CW-2 had examined the injured informant CW1- Chandra Shekhar Singh and P.W.-2 Pramila Devi. Doctor apart from

other injuries had found sharp cutting wound measuring 1/6" x 1/8" x whole skin deep on the left side of the head on the person of informant C.W.1

and doctor opined that this injury may be caused by sharp and pointed weapon such as arrow. Doctor has proved the injury report of both injured

C.W.-1 and P.W.-2 viz. Ext.-1 and Ext.1/1.

(iv) Hence, CW1- Chandra Shekhar Singh and PW-2 Pramila Devi are two injured eye-witnesses who have deposed directly about the assault and

there is no reason why their evidence cannot be believed, particularly in the light of the evidence of the doctor or C.W.-2, who had examined both the

injured and proved the injury report of both the injured viz. Ext.-1 and Ext.1/1. Hence, the ocular evidence of both the injured C.W.-1 and P.W.-2 is

corroborated by the medical evidence of the doctor or C.W.-2 .

21. From the evidence of witnesses PW-1, who is the father of the informant and PW-3 and PW-4, I find that they have also supported the

prosecution case and have corroborated the evidence of the injured witnesses C.W.-1 and P.W.-2.

22. The evidence is further corroborated by independent eye-witnesses who are labourers, who were working in the field where the incident had

taken place. Labourers PW-5 Kalindo Murmu, PW-7 Kale Soren and PW-8 Bodhi Tudu were eye-witnesses to the occurrence. What is important to

note is that they are labourers and very often labourers are not forthcoming to give evidence but they have been examined and given evidence in

support of the prosecution case and there is no reason why they cannot be believed at least that some occurrence of assault did take place, cannot be

denied even on the basis of the evidence of the labourers.

23. The Investigating Officer of the case or C.W.3 has also supported the prosecution case particularly with his deposition that he had prepared injury

requisition of injured persons C.W.1 and P.W.2 which were marked as Ext-4 and 4/1. He had also inspected the place of occurrence which was field

of four beds of paddy crops of plot no. 265 at village Rangatanr.

24. In summing up, I find that appellant no.1 Baleshwar Hansda was carrying bow and arrow and others appellants were armed with lathi except

appellant no. 4 Sarkar soren, who was armed with iron rod. The specific injury i.e. sharp cutting wound measuring 1/6" x 1/8" x whole skin deep on the

left side of the head sustained by the informant with the arrow can be attributed to appellant no.1 Baleshwar Hansda. Appellant no.-4 Sarkar soren is

alleged to have assaulted the informant on his temporal region but on perusal of injury report Ext.-1 of the informant, I find there is no such injury on

the temporal region of the informant. The remaining other appellants assaulted C.W.1 and P.W.2 with lathi which is reflected in the injury report Ext.-

1 and Ext.-1/1 of the injured. Hence, appellants had formed an unlawful assembly and were armed with various weapons as has been indicated and

entered into the field of informant and had assaulted informant C.W.1 and his mother P.W.2. Therefore, prosecution has been able to prove the

charges against all the appellants under sections 148, 323/149, and 447/149 of IPC against the appellants and further against the appellant No.1

Baleshwar Hansda under section 324 IPC.

25. Therefore, based on the aforesaid reasonings conviction of all the appellants under sections 148, 323/149 of the IPC is sustained and upheld. The

conviction under section 324/149 of IPC against all the appellants except the appellant no.1 Baleshwar Hansda is set-aside and appellant no.1

Baleshwar Hansda is only convicted under section 324 of IPC. The conviction of all the appellants under section 447/149 of IPC is also sustained and

upheld.

26. The sentence passed against the appellants by the learned trial court under section 148 IPC of 3 months S.I., under section 323/149 IPC of 3

months S.I. and against appellant No.1 Baleshwar Hansda under section 324 IPC for 6 months SI and the sentences running concurrently is sustained

and requires no interference by this court. However, all the appellants shall pay consolidated compensation of Rs. 10,000/- to the injured informant i.e.

CW-1 Chandra Shekhar Singh to be paid within three months of the receipt of copy of this judgment and in default of which they will undergo further

SI for two months. As compensation has been ordered by this court, fine of Rs 500/- each under section 447/149 of IPC as imposed by the learned

Court below is set-aside. The aforesaid compensation amount may be deposited in the learned Court below. Bail bond of the appellants stands

cancelled and learned court below is directed to take steps for procuring the arrest of the appellants to serve out the remaining sentence.

27. Accordingly, appeal is dismissed with above modification in conviction and sentences.