

Kundan Singh

Vs

State of Punjab

Criminal Appeal No. 444 of 1981

(P. N. Bhagwati, A. Varadarajan JJ)

20.04.1981

JUDGMENT

BHAGWATI, J. -

We are of the view that having regard to the facts and circumstances of the present case and particularly in view of the fact that PW 6 and PW 7 were in the courtyard of their house when the appellant fired gunshots and he could not, therefore, have intended to injure them, the conviction of the appellant under Section 307, IPC was not justified. We think that the conviction of the appellant could be maintained only under Section 324 of the Indian Penal Code since PW 6 and PW 7 received simple injuries. We accordingly allow the appeal and alter the conviction of the appellant to one under Section 324 of the Indian Penal Code for causing simple injuries to PW 6 and PW 7 and since the appellant has already suffered imprisonment for about 16 months, we direct that the sentence imposed on the appellant be reduced to that already undergone by him and he may be set at liberty forthwith.

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