

**HIGH COURT OF MADHYA PRADESH PRINCIPAL SEAT
AT JABALPUR**

**(Division Bench: Hon'ble Shri Justice S.K. Gangele &
Hon'ble Smt. Justice Anjuli Palo)**

Criminal Appeal No. 511/2003

Bhure Singh and Anr.

Versus

The State of Madhya Pradesh.

None for the appellants.

Shri Ajay Shukla, learned Government Advocate for the respondent-State.

WHETHER APPROVED FOR REPORTING: YES/NO.

JUDGMENT
(31/01/2018)

Per S.K. Gangele J

Appeal is of the year 2003. Since no one appeared on behalf of the appellants, hence, **Shri Ajay Tamrakar, Advocate**, who is Panel Lawyer of Legal Service committee, is appointed as **amicus-curie** to assist the Court. With the assistance of **Shri Ajay Tamrakar, Advocate** appeal is heard finally.

2. Appellants have filed this appeal against the judgment dated 27/01/2003 passed in Sessions Trial No. 334/2000. Both the appellants were prosecuted for commission of offence punishable under Section 302/34 of IPC. The trial court held appellants guilty for commission of offence punishable under

Sections 302/34 of IPC and awarded sentence for life and fine amount of Rs. 2,000/- each.

3. Prosecution story in brief is that on 16/08/2000 appellant Bhure Singh had been grazing his ox in the field of deceased Santu. Deceased prevented the appellant from aforesaid act, thereafter quarrel had taken place between appellant and the deceased. Appellant had beaten the deceased by lathi. Wife of the appellant inflicted injuries by axe and his son Kamchhial inflicted injuries to Santu by stone. Deceased Santu received injuries on his body. Deceased was died at around 5 O'clock in the evening thereafter, Ramprasad reached on the spot, he lodged report Ex. P/1 at Police Chouki- Dungariya Police Station Gunnardev. The police conducted investigation and filed charge-sheet. Appellants abjured their guilt during trial and pleaded innocence.

4. Learned counsel for the appellants has submitted that the incident had taken place all of a sudden. There is no evidence that the appellants have caused injuries to the deceased. Trial court has not appreciated the evidence properly. It is further submitted by learned counsel for the appellants that even if the evidence on record be accepted as it is then the alleged offence committed by the appellant Bhure Singh would fall under Section 304 Part I of IPC.

5. Contrary to this, learned Government Advocate for the

State has submitted that both the appellants caused injuries to the deceased. There is sufficient evidence to convict the appellants. Trial court has rightly held appellants guilty and awarded proper sentence.

6. PW/1 Ramprasad is son of the deceased. He deposed that at around 11 O'clock my sister Somti told me that appellants and his son had been beating the deceased thereafter, I went to the field and noticed that my father was lying in injured condition at the field. He told me that appellant No. 1 Bhure Singh was grazing his ox in our field. Deceased prevented the appellant, thereafter appellant Bhure Singh inflicted injuries at the back side of head of the deceased. Appellant- Chaturu Bai inflicted injuries by axe and Kamchhilar inflicted injuries to the deceased by stone, thereafter, I had taken the deceased to the house of appellant Bhure Singh and went to the police station. I lodged report Ex. P/1 and also I had given axe from the place of the incident.

7. PW/2 Sontibai is daughter of the deceased and eye witness. She deposed that my father was in the field. I was grazing my ox at some height. Appellant Bhure Singh is my mausiya (husband of sister of my mother) was grazing his ox in my field. My father prevented him not to do the same and thereafter, he had beaten my father with a stick fitted with sam. Chaturu Bai inflicted injuries by axe to my father.

Kamchhilal son of accused inflicted injuries by stone. I went to near my father. Appellant Bhure Singh threatened me, thereafter, I went to my house and told incident to my brother Ramprasad. He came at the field and he had taken the deceased at the house of appellant Bhure Singh. Deceased was died at around 6 O'clock in the evening. In her cross-examination she admitted the fact that at around 8-9 O'clock my father abused appellant thereafter Chaturobai went to the police chowki to lodged report and she returned back. There are omission in the statement of this witness that Bhure Singh was grazing ox in the field and Chaturobai had beaten the deceased by axe and Kamchhilal by stone. She admitted the fact that body of the deceased was kept in Chhapri of appellant-Bhure Singh.

8. PW/3 Sushila, is the daughter of the deceased. She deposed that she was grazing goats. At around 10 O'clock she had seen that appellant have beaten the deceased by wooden stick and Kamchhilal had also beaten the deceased by wooden stick, he received injuries. Appellant also caused injuries by stone to the deceased. I reached near my father he was unconscious at that time. In her cross examination she admitted that there was quarrel and it had taken place at the field adjacent to Nala.

9. PW/5 Kappulal deposed that at around 7 O'clock there

was quarrel between the deceased and appellant. I pacify both of them.

10. PW/7 Maniram, turned hostile.

11. PW/10 Lakhan, also turned hostile, however, he deposed that Ramprasad told me that appellant Bhure Singh had beaten the deceased and when I went at the spot, deceased was lying in injured condition in the field of appellant-Bhure Singh, thereafter I and Ramprasad had taken the deceased to Chhapri of Bhure Singh.

12. PW/11 Samoli Bai turned hostile.

13. PW/14 Shyamvati also an eye witness. She deposed that I was grazing goats. At around 10 O'clock appellant-Chaturobai and Kamchhilal had beaten deceased Santu. Incident had taken place at the field of Santu, however, in para 3 of her cross-examination she deposed that Ramprasad told me that she is eye witness of the incident.

14. PW/15 Kachrobai deposed that there were a quarrel and Somti told me that appellant Chaturobai and Kamchhilal had beaten the deceased.

15. PW/8 Dr. Praveen Kumar, who conducted autopsy of the deceased deposed that I noticed following injuries on the person of the body of the deceased.

1. Both eyelids and face was swollen.
2. Blood mixed from the right angle of the mouth was blooming.
3. There were various blisters at the back side of the

deceased.

4. One contusion size 10cmx8cm at right leg.
5. One conclusion size 10cm x 8cm at left side of the chest. Fourth and fifth ribs were broken.
6. One hematoma at the occipital region of the head.
7. There were fractures at Occipital bone.

He further deposed that on the internal examination I noticed that ribs were broken. He further deposed that injuries were sufficient to cause death of the deceased. In his cross examination he admitted that he did not notice any incised injuries on the persons of the body of the deceased. There were contusions on the body and the injuries could be caused by hard and blunt object. He also admitted that he did not notice any scratches on the body and if any weapon is used blood would be found on the weapon.

16. PW/9 Madan Giri Patwari deposed that I prepared spot map Ex. P/13 and signed the same. **PW/16 Ambilal**, investigating officer deposed that on 17/08/2000 at around 10 O'clock Ramprasad lodged oral report Ex. P/1 at the police Chowki Dungariya. He affixed his thumb impression. I conducted investigation and prepared Panchanama of dead body Ex. P/2. I signed the same. I prepared spot map Ex. P/3 and signed the same. I seized plain and red earth and gamchha vide seizure memo Ex. P/4 and I signed the same. On 17/08/2000 axe was seized on the instruction of Ramprasad vide seizure memo Ex. P/6 I signed the same. Thereafter, I recorded statements of Sushila, Ku. Shyamwati, Kachrobai,

Kuntibai, Ramprasad Somvati, Kappulal, Lakhan, Suklu, Lakhan, Suntabai, Mangli, Samolibai, Itarvatibai, Rusvatibai. On the memorandum of appellant- Bhure Singh Ex. P/7 wooden stick was seized from his house vide seizure memo Ex. P/8. I signed both the documents. A shirt was also seized thereafter, appellants were arrested. In his cross-examination he admitted that appellant-Chaturobai lodged report at police chowki Dungariya. He further admitted in the cross examination that dead body of the deceased was kept at Chhapri of the house of appellant- Bhure Singh. He also admitted that I did not notice any blood on wooden stick seized from appellant- Bhure Singh and stick was not sent to FSL Sagar.

17. In the report Ex. P/1 the time of incident is mentioned 10 O'clock. It is further mentioned that at 11 O'clock Somti informed PW/1 Ramprasad that appellants had been beaten the deceased and thereafter I went to the field and noticed that deceased was lying in injured condition. He told him that appellant had been grazing his ox in the field of the deceased, he prevented the same thereafter, accused persons had beaten him and also inflicted a blow by stick on the back side of the deceased.

18. PW/1 deposed that appellant -Bhure Singh inflicted a blow on the back side of the deceased by wooden stick. Same facts have been mentioned in the FIR. He did not mention that

another accused Chaturobai inflicted injuries by axe. PW/2 who is daughter of the deceased deposed that Chaturobai inflicted blow by axe and appellant- Bhure Singh inflicted a blow by lathi and Kamchhilal had beaten the deceased by stone. PW/3 also daughter of the deceased. She deposed that Chaturobai had inflicted a blow by lathi and appellant Bhure Singh by axe. Her statement is reliable because from the possession of appellant -Bhure Singh a lathi was seized. PW/5 deposed that there was quarrel between the appellant and deceased.

19. As per Ex. D/5 which is copy of Rojnamcha. It is mentioned that Ramprasad had given information that at around 10 O'clock there was a quarrel between his father and appellant who is her mausiya on grazing his ox. Appellant- Bhure Singh inflicted a blow by wooden stick. Wife of the appellant also lodged a report it is mentioned in Ex. D/6 that a quarrel had taken place at around 10 O'clock between appellant and the deceased and deceased slapped her husband Bhure Singh. From the aforesaid. This fact has been proved that there was a quarrel between appellant- Bhure Singh and the deceased on the ground of grazing of ox in the field and in that event appellant Bhure Singh inflicted a blow by lathi. Evidence of eye witnesses that appellant Chaturobai inflicted blow by axe is not reliable because PW/8 who performed postmortem of the deceased deposed that he did not notice any incised injury on

the person of body of the deceased.

20. The Apex Court in the case of **Abdul Sayeed Vs. State of Madhya Pradesh (2010) 10 SCC 259** after considering earlier judgments of Hon'ble Supreme Court has held that if there is contradiction between medical and ocular evidence, where medical evidence goes so far that it completely rules out all possibilities of ocular evidence being true, ocular evidence may be disbelieved. Witnesses are the related witnesses. They are the daughters and wife of the deceased, it is possible that they may roped all the family members. Chaturobai is wife of appellant Bhure Singh. Deceased and accused both were related to each other. There was a dispute between them. Name of the appellant No. 2 Chaturobai has not been mentioned in the FIR neither Rojnamcha Ex. D/5 recorded by the police on the information of Ramprasad. The medical evidence ruled out any possibility of incised injury on the deceased, hence, in our opinion, Chaturobai could not be held liable for causing injuries to the deceased.

21. The next question is that whether appellant Chaturobai could be convicted with the aid of section 34 of the IPC. The Apex Court in the cases of **Vijendra Singh vs State of Uttar Pradesh and Mahendra Singh vs State of Uttar Pradesh, (2017) 11 SCC 129** after considering previous judgments of the Hon'ble Apex Court has held as under in regard to Section

34 of IPC:

"21. *In the said case, the Court after analyzing the evidence opined that there is no material from the side of the prosecution to show that the appellant therein had any common intention to eliminate the deceased because the only thing against the appellant therein was that he used to associate himself with the accused for smoking ganja. On this factual score, the Court came to hold that the appellant could not be convicted in aid of Section 34 IPC.*

22. *In this regard, we may usefully refer to a passage from the authority in Pandurang and Ors. v. State of Hyderabad, AIR 1955 SC 216. The three-Judge Bench in the said case adverted to the applicability and scope of Section 34 IPC and in that context ruled that:-*

"32. ... It requires a pre-arranged plan because before a man can be vicariously convicted for the criminal act of another, the act must have been done in furtherance of the common intention of them all: Mahbub Shah v. King Emperor, AIR 1945 PC 118. Accordingly there must have been a prior meeting of minds. Several persons can simultaneously attack a man and each can have the same intention, namely the intention to kill, and each can individually inflict a separate fatal blow and yet none would have the common intention required by the section because there was no prior meeting of minds to form a pre-arranged plan. In a case like that, each would be individually liable for whatever injury he caused but none could be vicariously convicted for the act of any of the others; and if the prosecution cannot prove that his separate blow was a fatal one he cannot be convicted of the murder however clearly an intention to kill could be proved in his case: Barendra Kumar Ghosh v. King Emperor, AIR 1925 PC 1 and Mahbub Shah v. King Emperor (supra). As Their Lordships say in the latter case, "the partition which divides their bounds is often very thin: nevertheless, the distinction is real and substantial, and if overlooked will result in miscarriage of justice".

33. The plan need not be elaborate, nor is a long interval of time required. It could arise and be formed suddenly, as for example when one man calls on bystanders to help him kill a given individual and they, either by their words or their acts, indicate their assent to him and join him in the assault. There is

then the necessary meeting of the minds. There is a prearranged plan however hastily formed and rudely conceived. But pre- arrangement there must be and premeditated concert. It is not enough, as in the latter Privy Council case, to have the same intention independently of each other, e.g., the intention to rescue another and, if necessary, to kill those who oppose."

23. And, again:- (Pandurang case)

"34. ... But to say this is no more than to reproduce the ordinary rule about circumstantial evidence, for there is no special rule of evidence for this class of case. At bottom, it is a question of fact in every case and however similar the circumstances, facts in one case cannot be used as a precedent to determine the conclusion on the facts in another. All that is necessary is either to have direct proof of prior concert, or proof of circumstances which necessarily lead to that inference, or, as we prefer to put it in the timehonoured way, "the incriminating facts must be incompatible with the innocence of the accused and incapable of explanation on any other reasonable hypothesis". (Sarkar's Evidence, 8th Edn., p. 30)."

24. *In this context, we may refer with profit to the statement of law as expounded by the Constitution Bench in Mohan Singh (supra). In the said case, the Constitution Bench has held that [Section 34](#) that deals with cases of constructive criminal liability provides that if a criminal act is done by several persons in furtherance of the common intention of all, each of such person is liable for the act in the same manner as if it were done by him alone. It has been further observed that the essential constituent of the vicarious criminal liability prescribed by [Section 34](#) is the existence of common intention. The common intention in question animates the accused persons and if the said common intention leads to commission of the criminal offence charged, each of the person sharing the common intention is constructively liable for the criminal act done by one of them. The larger Bench dealing with the concept of constructive criminal liability under [Sections 149 and 34](#) IPC, expressed that just as the combination of persons sharing the same common object is one of the features of an unlawful assembly, so the*

existence of a combination of persons sharing the same common intention is one of the features of Section 34. In some ways the two sections are similar and in some cases they may overlap. The common intention which is the basis of Section 34 is different from the common object which is the basis of the composition of an unlawful assembly. Common intention denotes action-in-concert and necessarily postulates the existence of a prearranged plan and that must mean a prior meeting of minds. It would be noticed that cases to which Section 34 can be applied disclose an element of participation in action on the part of all the accused persons. The acts may be different; may vary in their character, but they are all actuated by the same common intention. Thereafter, the Court held:- (Mohan Singh case)

"13. It is now well-settled that the common intention required by Section 34 is different from the same intention or similar intention. As has been observed by the Privy Council in Mahbub Shah v. King-Emperor (supra) common intention within the meaning of Section 34 implies a pre-arranged plan, and to convict the accused of an offence applying the section it should be proved that the criminal act was done in concert pursuant to the pre-arranged plan and that the inference of common intention should never be reached unless it is a necessary inference deducible from the circumstances of the case."

25. *In Harshadsingh Pahelvansingh Thakore (supra), a three-Judge Bench, while dealing with constructive liability under Section 34 IPC has ruled thus:-*

"7..... Section 34 IPC fixing constructive liability conclusively silences such a refined plea of extrication. (See Amir Hussain v. State of U.P., (1975) 4 SCC 247; Maina Singh v. State of Rajasthan, (1976) 2 SCC 827) Lord Sumner's classic legal shorthand for constructive criminal liability, expressed in the Miltonic verse "They also serve who only stand and wait" a fortiori embraces cases of common intent instantly formed, triggering a plurality of persons into an adventure in criminality, some hitting, some missing, some splitting hostile heads, some spilling drops of blood. Guilt goes with community of intent coupled with participatory

presence or operation. No finer juristic niceties can be pressed into service to nullify or jettison the plain punitive purpose of the Penal Code.”

26. *In Lallan Rai and Ors. v. State of Bihar, (2003) 1 SCC 268 the Court relying upon the principle laid down in Barendra Kumar Ghosh (supra) has ruled that the essence of Section 34 is simultaneous consensus of the mind of persons participating in the criminal action to bring about a particular result.*

27. *In Goudappa and Ors. v. State of Karnataka, (2013) 3 SCC 675 the Court has reiterated the principle by opining that Section 34 IPC lays down a principle of joint liability in doing a criminal act and the essence of that liability is to be found in the existence of common intention. The Court posed the question how to gather the common intention and answering the same held that the common intention is gathered from the manner in which the crime has been committed, the conduct of the accused soon before and after the occurrence, the determination and concern with which the crime was committed, the weapon carried by the accused and from the nature of the injury caused by one or some of them and for arriving at a conclusion whether the accused had the common intention to commit an offence of which they could be convicted, the totality of circumstances must be taken into consideration.*

28. *The aforesaid authorities make it absolutely clear that each case has to rest on its own facts. Whether the crime is committed in furtherance of common intention or not, will depend upon the material brought on record and the appreciation thereof in proper perspective. Facts of two cases cannot be regarded as similar. Common intention can be gathered from the circumstances that are brought on record by the prosecution. Common intention can be conceived immediately or at the time of offence. Thus, the applicability of Section 34 IPC is a question of fact and is to be ascertained from the evidence brought on record. The common intention to bring about a particular result may well develop on the spot as between a number of persons, with reference to the fact of the case and circumstances of the situation. Whether in a proved situation all the individuals concerned therein have developed only simultaneous and independent intentions or whether a simultaneous consensus of their minds to bring*

about a particular result can be said to have been developed and thereby intended by all of them, is a question that has to be determined on the facts. (See : Kirpal and Bhopal v. State of U.P.[16]). In Bharwad Mepa Dana and Anr. v. The State of Bombay[17], it has been held that Section 34 IPC is intended to meet a case in which it may be difficult to distinguish the acts of individual members of a party who act in furtherance of the common intention of all or to prove exactly what part was taken by each of them. The principle which the Section embodies is participation in some action with the common intention of committing a crime; once such participation is established, Section 34 is at once attracted."

22. A Constitution Bench of the Hon'ble Apex Court in the case of **Mohan Singh and another vs State of Punjab, AIR 1963 SC 174** has held as under in regard to Section 34 of IPC:

"(13). That inevitably takes us to the question as to whether the appellants can be convicted under s.302/34. Like s. 149, section 34 also deals with cases of constructive criminal liability. It provides that where a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act' in the same manner as if it were done by him alone. The essential constituent of the vicarious criminal liability prescribed by s. 34 is the existence of common intention. If the common intention in question animates the accused persons and if the said common intention leads to the commission of the criminal offence charged, each of the persons sharing the common intention is constructively liable for the criminal act done by one of them. Just as the, combination of persons sharing the same common object is one of the features of an unlawful, assembly, so the existence of a combination of persons sharing the same common intention is one of the features of a. 34. In some ways the two sections are similar and in some cases they may overlap. But, nevertheless, the common intention which is the basis of s. 34 is different from the common object which is the basis of the composition of an unlawful assembly. Common intention denotes

action-in-concert and necessarily postulates the existence of a pre-arranged plan and that must mean a prior meeting of minds. It would be noticed that cases to which s. 34 can be applied disclose an element of participation in action on the part of all the accused persons. The acts may be different; may vary in their character, but they are all actuated by the same common intention. It is now well-settled that the common intention required by s. 34 is different from the same intention or similar intention. As has been observed by the Privy Council in Mahbub Shah v. Emperor, 72 Ind App 148 : (AIR 1945 PC 118), common intention within' the meaning of s. 34 implies a pre-arranged plan, and to convict the accused of an offence applying the, section it should be proved that the criminal act was done in concert pursuant to the pre- arranged plan and that the inference of common intention should never be reached unless it is a necessary inference deducible from the circumstances of the case. What then are the facts and circumstances proved in the present case."

23. The principle of law is that applicability of Section 34 of IPC is a question of fact and is to be asserted from the evidence on record. Common intention postulates the existence of a prearranged plan and that must mean a prior meeting of minds. The acts may be different; may vary in their character, but, they are all actuated by the same common intention. It implies a prearranged plan and it has to be proved that the criminal act was done in concert pursuant to the prearranged plan. The intention can be developed at the place of occurrence also.

24. In the present case, the incident had taken place all of a sudden on the ground of grazing of Ox. The name of the appellant has not been mentioned in the FIR. In such

circumstances, in our opinion, the appellant- Chaturobai could not be convicted for commission of offence of murder with the aid of Section 34 of IPC.

25. Now the next question that what offence appellant-Bhure Singh has committed. PW/1 deposed that the deceased told him that present appellant had inflicted a blow of lathi on the back side of the deceased. Doctor who performed postmortem of the deceased deposed that there were fracture of ribs. Investigating officer PW/5 deposed that he did not notice any blood on the wooden stick seized from the appellant.

26. Looking to the evidence on record it could be held that appellant-Bhure caused injury to the deceased by lathi. It is also a fact that there was quarrel between the appellant and the deceased on the ground of grazing of Ox. Dead body of the deceased was found in the Chhapri of appellant-Bhure Singh. Exception 1 of Section 300 of IPC postulate that if there is grave and sudden provocation, the offence would not be a murder. The Apex Court has considered the aforesaid law in the case of ***B.D. Khunte Vs. Union of India and others*** reported in ***(2015) 1 SCC 286*** has held as under:-

12. What is critical for a case to fall under Exception 1 to [Section 300](#) IPC is that the provocation must not only be grave but sudden as well. It is only where the following ingredients of Exception 1 are satisfied that an accused can claim mitigation of the offence committed by him from murder to culpable homicide not amounting to murder:

(1) The deceased must have given provocation to the accused.

(2) The provocation so given must have been grave.

(3) The provocation given by the deceased must have been sudden.

(4) The offender by reason of such grave and sudden provocation must have been deprived of his power of self-control; and

(5) The offender must have killed the deceased or any other person by mistake or accident during the continuance of the deprivation of the power of self-control.

27. In the present case there was a sudden provocation and in that even appellant-Bhure Singh had inflicted injuries by lathi, hence, it could not be said that there was a motive of appellant-Bhure Singh to kill the deceased. In such circumstances, in our opinion, the offence committed by appellant-Bhura Singh would fall under Section 304 Part-I of IPC.

28. On the basis of above discussion, appeal filed by **appellant No. 2- Chaturobai is allowed**. Her conviction and sentence awarded by the trial court is hereby set-aside. She is acquitted from the charges. She is on bail, her bail bonds are discharged.

19. Appeal filed by the **appellant No. 1 Bhure Singh is partly allowed**. Conviction and sentence awarded by the trial court to appellant No. 1 Bhure Singh is altered. The appellant is convicted for commission of offence punishable under Section

304 Part I of IPC and he is awarded sentence for R.I. 10 years. Appellant-Bhure Singh is in jail since 2000. He must have been released from the jail after completion of jail sentence, however, if he has not been released from jail, he be released forthwith, if he is not required in any other cases.

(S.K. GANGELE)
JUDGE

(SMT. ANJULI PALO)
JUDGE

MISHRA

THE HIGH COURT OF MADHYA PRADESH
Cr.A. No. 511/2003
(Bhure Singh and Anr. Vs. The State of M.P.)

1

Jabalpur, Dated: 31-01-2018

None for the appellant.

Shri Ajay Shukla. Gupta, G. A. for the respondent/ State.

The appeal is of the year 2003. Since no one appeared on behalf of the appellant, hence, **Shri Ajay Tamrakar, Advocate**, who is Panel Lawyer of Legal Service committee, is appointed as **amicus-curie** to assist the Court. With the assistance of **Shri Ajay Tamrakar, Advocate** appeal is heard finally.

Office is directed to send a copy of this order sheet to the office of Legal Service Committee of this Court for information and necessary action.

Arguments heard.

Judgment dictated, signed and dated separately.

(S.K. GANGELE)
JUDGE

(SMT. ANJULI PALO)
JUDGE

**HIGH COURT OF MADHYA PRADESH PRINCIPAL SEAT
AT JABALPUR**

Case No.	Criminal Appeal No. 511/2003.
Parties Name	Bhure Singh and anr. Vs. The State of M.P.
Date of Judgment	31/01/2018
Bench Constituted	Hon'ble Shri Justice S.K. Gangele and Hon'ble Smt. Justice Anjali Palo
Judgment delivered by	Hon'ble Shri Justice S.K. Gangele
Whether approved for reporting	Yes
Name of counsel for parties	Shri Ajay Tamrakar, learned counsel for appellants (amicus-curie). Shri Ajay Shukla, learned counsel for the respondent-State.
Law laid down	Applicability of Section 34 of IPC.
Significant paragraph numbers	Para 23

**(S.K. GANGELE)
JUDGE**

**(SMT. ANJULI PALO)
JUDGE**