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CRR-1065-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 25th OF JULY, 2025CRIMINAL REVISION No. 1065 of 2025*PRINCE PRATAP SINGH AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Sheersh Agrawal - Advocate for the applicant.**Ms Shraddha Tiwari - Panel Lawyer for the respondent No.1/State.**Shri S.M. Patel - Advocate for the respondent No.2.*
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ORDER

This revision under Section 397/401 of Cr.P.C. (Section 438/442 of the BNSS, 2023) has been filed assailing the order dated 14.02.2025 passed by the Additional Sessions Judge, Pawai, District Panna whereby charges for commission of offence under Sections 450, 307 in the alternate 307/149, 324 (three counts) read with Sections 149, 147 and 148 of IPC have been framed against the applicants. Challenge has been made only to framing of charge under Section 307 in alternate 307 r/w Section 149 of IPC.

2. As per the prosecution story, on 28.01.2024 at around 7.00 p.m. Badri Patel R/o Kumhari was going to perform Puja in Chandi Mata hut. In the meantime, Deependra Raja, Prince Raja armed with iron rods, Raj Singh, Bhura Musalman, Upendra Singh, Sonu Singh and Raja ji armed with lathis forming unlawful assembly, in furtherance of their common object came and assaulted Pradeep Patel S/o Badri Patel. When Badri Patel came for rescue



of his son, they all assaulted him too by iron rods and lathis. Badri Patel fled into his house but all accused trespassed into house and again assaulted him. When his wife Shyam Bai and daughter Somwati came for his rescue, they assaulted them too. When they raised noise, Sant Kumar Patel and Rinku Patel reached there, at this they all fled away from the spot. Information was given to the police and police took injured to the hospital. It was also informed that all accused persons on account of old enmity with an intention to kill them formed unlawful assembly and in furtherance of common object of unlawful assembly assaulted them with an intention to cause their death. FIR was registered. After investigation, charge sheet has been filed.

3. Learned Additional Sessions Judge by impugned order framed charges against all applicants/accused for commission of offence under Sections 450, 307 read with Section 149, 324 (3 counts) read with Sections 149, 147, 148 of IPC. By filing the present revision, only the order framing charges under Section 307/307/149 of IPC has been assailed.

4. It is submitted by learned counsel for the applicants that in query reports and in X-ray examination and C.T. scan report, no fracture was found in the head of Pradeep and Badri Patel. As no fracture was found in the head of Badri Patel, no offence under Section 307 of IPC is made out. Hence, the learned Trial Court has committed an error in framing charge under Section 307/149 of IPC. It is submitted that for framing of charge for an offence under Section 307 of IPC, intention to cause death has to be on the record. As injuries are simple in nature, it was not justified on the part of Trial Court to frame charge under Section 307/149 of IPC. Therefore, it is



prayed that the charges framed under Section 307/307/149 of IPC by the learned Additional Sessions Judge, Pawai, District Panna being erroneous be set aside.

5. On the other hand, learned counsel for the State has opposed the prayer and has submitted that for framing of charge under Section 307 of IPC, merely causing hurt is sufficient. It is submitted that even injury is not required to be on the vital part of the body. Therefore, he has prayed to dismiss the revision and uphold the order of framing of charge.

6. I have heard learned counsel for the parties at length and perused the record.

7. On perusal of the medical reports and material available in the charge sheet, it is apparent that injured Badri Patel has sustained five injuries and out of these injuries, one injury is on the head i.e. left parietal region and other injuries are on rest part of the body, his son Pradeep Patel has sustained 08 injuries and wife and daughter have also sustained one-one injury.

8. As far as Section 307 of IPC is concerned, for framing an offence under Section 307 of IPC, there is no requirement for the injury to be on the vital part of the body, merely causing hurt is sufficient to attract Section 307 of IPC. In this case, it cannot be overlooked that assailants have acted with the intention or knowledge that such action might cause death, and hurt is caused then the provisions of Section 307 of IPC would be applicable. Merely because injuries sustained by injured are simple in nature, that would not absolve the applicants/accused from being tried for offence under Section 307 of IPC. What is important is an intention coupled with the overt



act committed by the accused persons. In the instant case, it is apparent that all accused/applicants armed with iron rods and lathis formed unlawful assembly and thereafter in furtherance of their common object they assaulted Pradeep Patel and caused 08 injuries on his person and when his father Badri Patel attempted to save him, they also assaulted him causing number of injuries and out of these injuries, one is on the vital part i.e. head. Such acts on the part of the accused are clearly covered by the offence punishable under Section 307 of IPC. In **S.K. Khaja Vs. State of Maharashtra, 2023 LiveLaw (SC) 715**, it is held that merely because the injuries sustained by the complainant were very simple in nature, that would not absolve the appellant/accused from being convicted for offence under Section 307 of IPC. What is important is an intention coupled with the overt act committed by the appellant/accused.

9. In **State of Madhya Pradesh Vs. Kanha @ Om Prakash, 2019 (3) SCC 605**, the Honble Apex Court observed as under :

"The first part of Section 307 refers to "an act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder". The second part of Section 307, which carries a heavier punishment, refers to "hurt" caused in pursuance of such an "act"."

It was also observed that proof of grievous or life-threatening hurt is not a sine qua non for the offence under Section 307 of the Penal Code. The intention of the accused can be ascertained from the actual injury, if any, as well as from surrounding circumstances. Among other things, the nature of the weapon used and the severity of the blows inflicted can be considered to



infer intent.

10. In this case, all accused were armed with iron rods and lathis and they first assaulted them on road and thereafter they trespassed into the house of the injured complainant and caused injuries. The weapon used by them were lethal weapons. As use of iron rods and lathis is sufficient to invoke the provisions of Section 307 of IPC, an attempt itself is sufficient if there is requisite intention. An intention to murder can be gathered from the circumstances other than the existence of nature of injuries.

11. For framing of charge for an offence under Section 307 of IPC, the court has to see whether the act, irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in the section. An attempt in order to be criminal need not be the penultimate act. It is sufficient in law, if there is present an intent coupled with some overt act in execution thereof.

12. In the case in hand, all accused having armed with deadly weapons like iron rods and lathis formed unlawful assembly and thereafter in furtherance of the common object of unlawful assembly have assaulted Pradeep Patel, Badri Patel and trespassed into their house and assaulted his wife and daughter. Badri Patel has sustained five injuries and Pradeep eight injuries. One injury sustained by Badri Patel is on vital part i.e. head. Therefore, having taken into consideration the material available on record including the statement of the injured and witnesses, it is apparent that injuries were caused with an intention to cause death. Therefore, framing of charge by the learned Additional Sessions Judge for commission of offence



under Section 307/307/149 of IPC cannot be said to be without basis.

13. For framing of charge, mere strong suspicion and *prima facie* available material on record is sufficient. Therefore, for the reasons stated herein above and in light of the settled position of law, I am of the considered view that no illegality or impropriety or incorrectness is visible in the order of framing of charge by the learned Additional Sessions Judge. Therefore, in view of above, this revision being devoid of merits is **dismissed**.

(DINESH KUMAR PALIWAL)
JUDGE

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