



IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Criminal Jail Appeal No. 80 of 2022

Raghunath Singh

..... Appellant

Vs.

State of Uttarakhand

.....Respondent

Presence:

Mr. Mohd. Matlub, learned *Amicus Curiae* for the appellant.

Mrs. Manisha Rana Singh, learned D.A.G. for the State.

Reserved on : 16.06.2026

Delivered on : 06.07.2026

Coram: Hon'ble Ravindra Maithani, J.
Hon'ble Siddhartha Sah, J.

(Per: Hon'ble Siddhartha Sah, J.)

The instant Criminal Jail Appeal has been preferred by the appellant aggrieved against the judgment and order dated 27.07.2022/30.07.2022, passed by the learned Additional Sessions Judge, Almora in Sessions Trial No.09 of 2019, State of Uttarakhand vs. Raghunath Singh by means of which, the accused/appellant has been convicted under Section 326A of the Indian Penal Code, 1860 (In short, "IPC") and has been sentenced to undergo rigorous imprisonment for 12 years along with a fine of Rs.1,00,000/- and in case of default in payment of fine, to undergo additional six months imprisonment; appellant has also been convicted under Section 302 IPC and has been sentenced for life imprisonment with a fine of Rs.15,000/- and in case of default in payment of fine, to undergo additional six months imprisonment and the appellant has further been convicted under Section 504 IPC and has been sentenced with

six months rigorous imprisonment with fine of Rs.1,000/- and in case of default in payment of a fine, to undergo additional imprisonment for 15 days. All the sentences have been directed to run concurrently.

2. The FIR was lodged on 11.09.2018 at Revenue Police area Dalakot, District Almora with the allegations that on 10.09.2018 at about 6:00 in the evening, a dispute arose between Raghunath Singh and Sher Singh due to a personal grudge. There was exchange of abuses between both the parties.

3. The dispute escalated to a point where Raghunath Singh under the influence of liquor, brought acid from home and threw acid on the family members of Sher Singh, injuring members of the family. Therefore, a request was made that proper action be taken on the aforesaid matter. The said report was registered as FIR No. 01 of 2018 under Section 326A and Section 504 IPC in revenue police area Dalakot, District Almora on 11.09.2018 at 5:30 in the evening.

4. From the record, it is evident that the injured persons, who had sustained burn injuries from pouring of the acid on them, namely Smt. Neema Devi wife of Gopal Singh, Smt. Jaya Devi wife of Diwan Singh, Smt. Mohini Devi wife of Sher Singh, Km. Kiran daughter of Diwan Singh, Km. Chandani daughter of Diwan Singh and Sher Singh were initially taken to the District Hospital, Almora where the medical examination report dated 10.09.2018 states that it is a case of corrosive burn. (Exhibits A-2 to A-7).

5. It is also relevant to mention that the injured Sher Singh had sustained corrosive burns on face, chest and neck as is apparent from the OPD card (Exhibit A-10). Injured Chandini

sustained corrosive burns on face and anterior chest; Mohini Devi sustained corrosive burns on leg and hand; Smt. Kiran sustained corrosive burns on face and left arm. Since Smt. Neema Devi had sustained grievous burn injuries, she was referred to Dr. Sushila Tiwari Government Hospital, Haldwani and the registration card dated 11.08.2018 records her case as a history of acid / burn injuries. The registration card further reveals burn injuries over face and lower limb. The general case history of Smt. Neema Devi further states superficial deep burn 25 - 35 percent. The history of present illness further mentions acid-burn over face, left arm, left upper face, left eye, left hand and right hand. The injuries were grievous in nature. Another injured Smt. Jaya Devi was also referred to Dr. Sushila Tiwari Government Hospital which is evident from her registration card dated 11.09.2018. The registration card further mentions acid/burn injuries on face and body and case of 60-70 percent superficial deep burn injury. The history of present illness further mentions acid/burn over face; right side of abdomen both upper limb and lower limb, superficial deep burn approximately 60 to 70 percent. The medical supplementary report of Jaya Devi dated 11.09.2018 inter alia states injuries were life threatening in nature.

6. Memo dated 11.09.2018 prepared by Revenue Sub Inspector, Dalakot, District Almora mentions about handing over one five liters jerkin containing about 1.5 liter liquid acid and one broken plastic mug sky blue colour by Sher Singh and his wife Mohini Devi which was sealed on the spot and a memo was prepared (Exhibit A-31).

7. Information dated 11.09.2018 was sent to the Tehsildar, Tehsil Almora by the Revenue Sub Inspector Dalakot mentioning that Gram Pradhan Kunwar Ram intimated about injuring of family

members of Sher Singh by Raghunath Singh, who have been taken to District hospital, Almora by private vehicle - 1.Sher Singh, 2. Mohini Devi, 3. Jaya Devi, 4. Neema Devi, 5. Kiran, 6. Diwan Singh, 7. Km. Chandini. It further reveals that Raghunath Singh, Jaya Devi, Neema Devi who are seriously injured have been referred to Sushila Tiwari Government Hospital, Haldwani and matter is being inquired into. No party has submitted any report in the matter.

8. Another communication dated 12.09.2018 addressed to the District Magistrate, Almora by Revenue Sub Inspector, Dalakot mentions about the incident of acid attack by Raghunath Singh on Sher Singh and his family members and Sher Singh son of Laxman Singh having submitted a tehriri report and case has been registered under Section 326A and Section 504 IPC and the matter being investigated.

9. In the course of investigation, the Revenue Sub Inspector prepared the site plan (Exhibit A-35) and also took into possession the acid soiled mud and plain mud and prepared its memo and sealed it and also prepared sample seal. The Revenue Sub Inspector also took into possession the acid burn clothes and plain clothes and sealed them and prepared sample seal (Exhibit A-40 and 41) respectively.

10. Death summary was issued by Department of Burn, Plastic and Maxillofacial Surgery, VMMC & Safdurjung Hospital, New Delhi with respect to Jaya Devi dated 20.11.2018, which states about the history of chemical burn due to acid attack at Village Dashola, Almora. The patient was initially taken to Civil Hospital, Almora and then referred to Sushila Tiwari Government Hospital, Haldwani, where she was treated for two months. Patient was

received in burn casualty. Her status was critical from the date of admission. She gradually deteriorated and on 20.11.2018 at 7:00 a.m., she was found unresponsive and CPR was initiated. The patient could not be revived and she was declared dead on 20.11.2028 at 7:45 a.m. The post-mortem examination report issued by Dr. Vedant Kulshrestha (Exhibit A-48) dated 20.11.2018 mentions ante-mortem infected epidermal to dermoepidermal chemical burns present in patches over scalp and face, neck, in patches over front and back of chest and abdomen, in patches over both upper limbs excluding palms and in patches over both lower limbs excluding soles. The total chemical burn injury involves about 50% of total body surface area. The burnt area shows erythematous base and hypopigmentation at places and are covered with yellowish green foul smelling pus and slough at places. Death is due to septicemic shock as a result of infected ante-mortem chemical burn injuries, involving about 50% of total body surface.

11. The record further reveals that accused / appellant Raghunath Singh was arrested on 30.11.2018 as is evident from arrest memo dated 30.11.2018 (Exhibit 49) and was locked up in Police Station Kotwali Almora vide G.D. entry No. 41 dated 30.11.2028.

12. Initially, the case was investigated by Revenue Sub Inspector (Halka Patwari) of Patti Dalakote, however, later the investigation was transferred to Regular Police. After completion of investigation, the Investigating Officer, Devendra Singh Samant, Sub Inspector, Chowki NTD, Police Station, Almora submitted charge-sheet against the accused/appellant under Section 302, 326A and Section 504 IPC.

13. Case was registered against the accused/appellant as Sessions Trial No. 9 of 2019, State vs. Raghunath Singh under Section 302, 326A and 504 IPC. Charges were framed against the accused/appellant under Section 326A, 302 and 504 IPC on 18.04.2019. Accused/appellant denied the charges and claimed trial.

14. To prove its case, the prosecution examined 20 witnesses. PW1 Sher Singh, the injured/informant, narrated the entire incident in detail and stated that the accused Raghunath Singh is his younger brother and on 10.09.2018, he was at home. His brother accused Raghunath Singh's house is adjacent to his house. Raghunath Singh was under intoxication of liquor and was abusing him. At that time, his two daughters-in-law Neema Devi and Jaya Devi and his wife Mohini Devi were at home and his elder grand-daughter Kiran, grandson Harish and Chandini were also at home. Her grand-daughter Sita had run away due to fear while the accused was abusing. When the daughter-in-law asked him as to why he is abusing, the accused got more agitated and started threatening that he will end the entire family and on saying so, the accused went inside his house from the courtyard and from inside the house, fetched an acid jerkin and mug and came out in the courtyard. Two daughters-in-law and children of PW1, Sher Singh, were with him. The accused opened the jerkin and threw 2-3 mugs of acid on them. According to PW1, Sher Singh, his daughters-in-law were in front of him so more acid was sprinkled on them. When he was intervening, the accused poured acid on him, his wife and children. From the acid burns, the daughters-in-law felt unconscious and started shouting. The accused/appellant fled to his room leaving the jerkin and mug. When this witness was going with jerkin, wife of the accused came and started snatching the

jerkin from him. He snatched the jerkin from her and called Anand Singh, vehicle owner and on this, the villagers also reached the spot. The villagers carried all the injured to the road. From the road, all the injured, he himself, his wife, both daughters-in-law and three children were brought to the District Hospital, Almora for treatment. He also brought the jerkin and mug with him to the hospital. All the injured remained admitted in the hospital and two daughters-in-law having more burn injuries were referred to Haldwani for higher medical facility. They were treated in the hospital. Patwari Ji came to the hospital on 12.09.2018. The witness was in the hospital on 11.09.2018 when Patwari Ji came to the hospital, and he gave him jerkin and mug. Patwari Ji prepared a memo. Report was written by other person, who had come with Patwari Ji. The report was read before PW1, Sher Singh. PW1, Sher Singh, identified his signature on the report which is marked as Exhibit A-1. The daughter-in-law Jaya died during treatment in Delhi Hospital. Two sealed bundles jerkin and mug were taken out from a sealed carton. The witness proved the carton, jerkin and mug and white clothes which were marked as material Exhibits 1 - 4 respectively.

15. In his cross-examination, the PW-1 admitted that his daughters-in-law attacked Raghunath Singh with *darati* (sickle) on his face and head when the appellant Raghunath Singh came to pour acid. He also admitted that the acid jerkin and mug which he has mentioned were the same jerkin and mug which he had taken to hospital himself. He denied the suggestion that he had falsely implicated the accused/appellant Raghunath Singh due to mutual rivalry.

16. Smt. Mohini Devi was examined as PW-2 and she deposed that Raghunath Singh is her real dewar (brother-in-law). On

10.09.2018 at 5:00 in the evening, Raghunath Singh after having consumed liquor in the market came to her courtyard in a naked condition and abused them. In his hand, there was one gallon, mug and kurpi. There was acid in the gallon. At that time, at home, besides her, her grand-daughter Kiran, her younger daughter-in-law, Neema, her grand-son Harish, her daughter-in-law Jaya Devi, grand-daughter Chandini and her husband were present. Raghunath came to the courtyard and started telling that he has brought medicine. Raghunath threw acid on head, hand and back of all of us. Raghunath also threw acid on her, she got unconscious. He threw acid as he was under intoxication of liquor. She did not have any dispute with him. She regained consciousness in the hospital. All of them were admitted in the hospital. Only two daughters-in-law were referred to Sushila Tiwari Government Hospital, Haldwani. Both the daughters-in-law remained admitted in hospital for 2-2¹/₂ months. Thereafter, both the daughters-in-law were referred to Delhi. Her elder daughter-in-law Jaya died during treatment on 20.11.2018 due to burn injuries. We were admitted in the hospital for three days. Patwari recorded her statement. She had shown the place of incident to the Patwari. Patwari prepared the site plan on her pointing out. She had given the mug and gallon to the Patwari and on seeing the gallon and mug, stated that this is the same gallon and mug from which Raghunath Singh has thrown acid on them. She also stated that she was admitted in Almora Hospital and underwent treatment. In her cross-examination, she denied the suggestion that her daughters-in-law had hit on the head, face and hand of Raghunath Singh by daranti (sickle). She denied the suggestion that her daughters-in-law had attacked Raghunath Singh with daranti (sickle) and Raghunath Singh got unconscious and then out of fear, have thrown acid on him.

17. Smt. Neema Devi was examined as PW-3. She stated that her father-in-law is Sher Singh and Raghunath Singh is the brother of Sher Singh. Both had a dispute pertaining to a *rasta* (pathway). At around 5:00 p.m. on 10.09.2018, she was watching television with her father-in-law, mother-in-law, and sister-in-law. Then Raghunath Singh, in a drunken state, started abusing them, whereafter he went inside and brought a jerkin and a mug and threw a white, water-like liquid upon them, which fell on her face, leg, and back, and on the whole body of her sister-in-law. Her father-in-law also received some drops. When it started burning, they came to know that it was acid. Raghunath Singh then ran towards his house and also threw acid on himself, from which some drops fell on the children as well. Thereafter, all of them were taken to the District Hospital, Almora for treatment. The witness and her sister-in-law were referred to Sushila Tiwari Hospital, Haldwani, where they remained under treatment for about two months. Considering their condition, they were thereafter referred to Safdarjung Hospital, New Delhi. The condition of her sister-in-law, Jaya Devi, did not improve, and she succumbed to the acid burn injuries on 20.11.2018. Thereafter, as the condition of the witness improved, she was brought home. Her treatment is still continuing.

In the Court, a sealed carton was produced and opened with the permission of the Court. Inside the carton were a broken jerkin and a mug. The witness identified them as the same jerkin and mug from which Raghunath Singh had thrown the acid. She denied the defence suggestion that they had first attacked Raghunath Singh with a darati (sickle) and that, in self-defence, after her father-in-law reached the spot, Raghunath Singh had thrown acid upon them.

18. Kumari Kiran was examined as PW-4. She also deposed that Raghunath Singh had brought a jerkin and a mug containing a water-like liquid and had thrown the same upon her mother and aunt. Upon hearing the cries of her mother, she came out of the room, whereupon acid was also thrown towards them, some of which fell upon her as well as on the hand and leg of her brother.

She further stated that a large quantity of acid was thrown upon her mother. Thinking that her mother would die, Raghunath Singh also poured acid upon himself and thereafter ran away. She deposed that all of them were taken to the Government Hospital, Almora, where they received treatment. Considering the serious condition of her mother and aunt, they were referred to Sushila Tiwari Hospital, Haldwani, where they remained under treatment for about two months. As their condition did not improve, they were subsequently referred to Safdarjung Hospital, New Delhi, where her mother, Jaya Devi, succumbed to her acid burn injuries on 20.11.2018. In her cross-examination, she admitted that Raghunath Singh had become unconscious, but categorically stated that he had first thrown acid upon them, thereafter poured acid upon himself, and only then had fallen unconscious.

19. PW-5, Diwan Singh, the husband of the deceased Jaya Devi, deposed that on 10.09.2018 at 5:00 in the evening, he was sitting inside his house when Raghunath Singh came to the house who was intoxicated & was abusing. Raghunath Singh threw acid on his family members, who were crying loudly and he came out upon hearing their cries upon which Raghunath Singh fled from their courtyard to his own courtyard where he lied down and poured acid on himself. He further stated that his wife, Jaya Devi, succumbed to her acid burn injuries on 20.11.2018.

20. PW-6, Harish Singh, the son of Diwan Singh and Jaya Devi, also supported the prosecution case. He deposed that Raghunath Singh arrived in an intoxicated condition, started abusing the family members, and thereafter threw acid on them. He stated that they were subsequently taken to the District Hospital, Almora, where they received treatment. According to him, acid fell on his leg and back, causing burn injuries. The Court also recorded observations regarding the burn injury marks present on his stomach, right leg, and upper body. He further deposed that his mother later died as a consequence of the burn injuries sustained in the incident.

In his cross-examination, Harish Singh categorically denied the suggestion that his mother and aunt had attacked Raghunath Singh with a darati (sickle). He stated that his grandfather had struck Raghunath Singh with a khurpi after the latter had been hurling abuses, whereupon Raghunath Singh fell unconscious. He further clarified that Raghunath Singh had first thrown acid on them and only thereafter fallen unconscious.

21. PW-7, Chandni Chamyal, deposed that Raghunath Singh had thrown acid on her grandmother, mother, aunt, elder brother, sister, and herself. She stated that her face & chest were burnt by the acid. The Court observed that the witness, who was present in Court, still bore burn marks on her face and chest. She further deposed that all of them were taken to the hospital at Almora, where they received treatment. Her mother subsequently died in Delhi.

22. PW-8, Heera Singh, the son of the informant Sher Singh, deposed that on 10.09.2018, when he reached the spot, Sher Singh informed him that Raghunath Singh had thrown acid.

23. PW-9, Dr. Praveen Kumar, who was posted as an Emergency Medical Officer at the District Hospital, Almora, on 10.09.2018, deposed that before he assumed his duty, the injured persons were already under treatment. As acid attack patients, all were treated in emergency & thereafter he admitted them. He conducted their medical examinations and proved their medical certificates, which were marked as Exhibits A-2 to A-7. Considering the serious condition of Neema and Jaya Devi, he referred them to Haldwani, whereas the remaining injured persons were shifted to the ward and their treatment continued. He proved the certified copy of the OPD register, which was marked as Exhibit A-8. He further proved the bed-head tickets, OPD cards, and discharge slips of the injured persons, which were marked as Exhibits A-9 to A-20. He stated that all the injured persons had sustained acid burn injuries.

24. PW-10, Shailendra Lakda, was posted as an Assistant Sub-Inspector at the Police Chowki, Safdarjang Hospital, Delhi. He deposed that he had prepared the Panchayatnama (Inquest Report), which was proved and marked as Exhibit A-21. He also proved the documents relating to the dead body of the deceased, Jaya Devi, which were marked as Exhibits A-22 and A-23. After the completion of the inquest proceedings and the post-mortem examination, the dead body was handed over to the family members.

25. PW-11, Vinod Singh, is a formal panch witness of the Panchayatnama (Inquest Report).

26. PW-12, Dr. Himanshu Saxena, was posted as a Plastic Surgeon at Sushila Tiwari Medical College, Haldwani, District Nainital. He deposed that Jaya Devi and Neema Devi were admitted

to the hospital on account of acid burn injuries. According to him, Smt. Jaya Devi had sustained deep acid burns on her hands, legs, chest, abdomen, and back, covering approximately 70% of her body. He further deposed that the injuries sustained by Smt. Jaya Devi were grievous and of such a serious nature as to be sufficient to cause death. As her condition did not improve despite treatment at the hospital, she was referred to a higher medical centre on 11.11.2018.

He further deposed that Smt. Neema Devi had also sustained deep acid burn injuries on her face, neck, chest, back, both hands, and both legs, and had suffered approximately 30% burns. Her injuries were likewise serious in nature, and she too was referred to a higher medical centre on 11.11.2018 for specialized treatment. The treatment records pertaining to Smt. Neema Devi were proved by him and marked as Exhibits A-24 and A-25, while the treatment records relating to Smt. Jaya Devi were proved by him and marked as Exhibits A-26 and A-27, respectively. He also proved the supplementary medical reports prepared by him in respect of Smt. Jaya Devi and Smt. Neema Devi, which were marked as Exhibits A-28 and A-29, respectively.

27. PW-13 is Kuldeep Joshi, was posted as a Revenue Sub-Inspector on 10.09.2018. (It needs a special mention that in some hilly districts of Uttarakhand, the Patwari / Revenue Sub-Inspectors are vested with police powers.) He was informed by the Gram Pradhan over the phone on the evening of 10.09.2018 that the accused had thrown acid on his brother, Sher Singh, and his family members, all of whom had sustained injuries and had been taken to the Almora Hospital. Owing to paucity of time, he could not reach the hospital on that day. However, on the morning of 11.09.2018, he

went to the District Hospital, Almora, where Sher Singh and his family members were admitted in an injured condition. There, he inquired from the injured persons, whereupon Sher Singh and the other injured persons informed him that, on 10.09.2018, Raghunath Singh had quarrelled with them and thrown acid upon them. On 11.09.2018, while at the hospital, the injured Sher Singh narrated the incident to him and thereafter handed over a jerkin containing 1.5 litres of acid, and a broken sky-blue plastic mug. These articles were taken into police possession, sealed, and a sample seal was prepared. He identified his signatures thereon, and the same was marked as Exhibit A-30. The possession memo prepared by him was proved and marked as Exhibit A-31. Thereafter, he informed the District Magistrate, Almora, and the Tehsildar, Almora, about the incident. The letter addressed to the Tehsildar, Almora was proved by him and marked as Exhibit A-32, while the letter addressed to the District Magistrate, Almora was marked as Exhibit A-33. On the same day, at about 4:00–4:30 p.m., PLV activists Mahendra Singh Chamyal and Shubham Arya submitted to him a report signed by the injured Sher Singh at the Tehsildar Office, Almora. On the basis of the said report, he proceeded to the Headquarters and registered the First Information Report on the basis of Exhibit A-1. He proved the FIR prepared by him, which was marked as Exhibit A-34. On 12.09.2018, he visited the spot and prepared the site plan, which was marked as Exhibit A-35. He further proved the sample seal of acid-stained mud and plain mud along with its possession memo; the sample seal of blood-stained mud and plain mud along with its possession memo; and the sample seal of acid-burnt clothes and plain clothes along with its possession memo, which were marked as Exhibits A-36 to A-41 respectively. He also recorded the statements of the injured Mohini Devi and Sher Singh. He also informed the

District Legal Services Authority, Almora on 14.09.2018, and the said communication was proved by him and marked as Exhibit A-42. He further deposed that he had submitted a letter to the District Magistrate, Almora, seeking transfer of the investigation to the regular police. The said letter was proved by him and marked as Exhibit A-43. The District Magistrate, Almora, passed an order transferring the investigation to the regular police, which was received on 25.09.2018. Pursuant thereto, he handed over all the case documents and case property to Kotwali, Almora. A sealed bundle was opened in the Court, from which acid-stained mud was recovered and marked as Material Exhibit A-5, while plain mud was marked as Material Exhibit A-6. Similarly, blood-stained mud was marked as Material Exhibit A-7, paper was marked as Material Exhibit A-8, and cloth was marked as Material Exhibit A-9. The acid-burnt clothes were marked as Material Exhibit A-10, the white cloth was marked as Material Exhibit A-11, the other plain cloth was marked as Material Exhibit A-12, the stitched white cloth was marked as Material Exhibit A-13, and the white cloth containing two bundles was marked as Material Exhibit A-14. The blood-stained mud was marked as Material Exhibit A-15, the paper was marked as Material Exhibit A-16, the plain mud was marked as Material Exhibit A-17, and the other paper was marked as Material Exhibit A-18. The white cloth in which both the materials had been sealed was marked as Material Exhibit A-19.

In his cross-examination, he admitted that he had not sent the jerkin to the FSL. He further admitted that, when he received the First Information Report from Mahendra Chamyal and Shubham Arya, Sher Singh was in the hospital.

28. PW-14 is Sunder Singh, who deposed that on 10.09.2018, while he was coming down from his house towards the road, he heard shouts coming from the house of Sher Singh and Raghunath Singh. Upon hearing the commotion, he went to their house and saw that acid had been thrown upon Sher Singh, his wife Mohini Devi, his daughter-in-law Smt. Jaya Devi, Kiran Devi, and Harish. All of them were crying and shouting in pain. He also saw Raghunath Singh lying in the courtyard, and acid had been poured upon him as well. Thereafter, the family members of Raghunath Singh arranged a vehicle to take the injured persons to the hospital. He accompanied Raghunath Singh in the vehicle up to Petshal, thereafter, he proceeded to Almora in another vehicle.

He further stated that the Patwari took into possession acid-stained mud and plain mud from the spot, sealed the same, and prepared a possession memo, which was signed by him. The Patwari also took into possession blood-stained mud and plain mud, sealed the same, and prepared a possession memo, which was likewise signed by him. The Patwari further took into possession the acid-burnt clothes and plain clothes, sealed them, prepared a sample seal, and drew up the relevant memo, on which he appended his signatures.

In his cross-examination, he admitted that he had no knowledge of what had transpired prior to his arrival at the spot. He further stated that the houses of Raghunath Singh and Sher Singh were adjacent to each other. He admitted that Raghunath Singh had sustained an injury on his head, blood was oozing therefrom, and he was in an unconscious state. He had not noticed whether the clothes of Raghunath Singh had been burnt and did not remember how many articles of clothing had been sealed. He further admitted

that, when he was transporting Raghunath Singh in his vehicle, blood was oozing from his head and he was in an unconscious state.

29. Anand Singh was examined as PW-15. He deposed that he was the driver of vehicle No. UK01 TA 0287 and that, on the evening of 10.09.2018, he transported all the injured persons to the District Hospital, Almora, in his vehicle. Out of them, Jaya Devi and Neema Devi were in a serious condition and were referred to Haldwani for further treatment. He further stated that he assisted in seating them in the ambulance bound for Haldwani.

In his cross-examination, he stated that Sher Singh was carrying an acid container and a mug in his hand. Upon being shown Material Exhibit A-2, he identified the container and mug as the same articles which he had seen in the possession of Sher Singh.

30. PW-16, Mahendra Singh Chamyal, was a PLV Activist with the District Legal Services Authority, Almora. He deposed that on 11.09.2018, he, along with another PLV Activist, Shubham Arya, had gone to the District Hospital, Almora. Upon reaching there, they came to know that Sher Singh and his family members, who were victims of an acid attack, had been admitted to the hospital. Both of them met the victims and interacted with Sher Singh. They informed him about the legal services available to him, whereupon Sher Singh handed over to them a written tehrir/report bearing his signatures for the purpose of registration of the case. After receiving the report, they proceeded to the Tehsil Headquarters, Almora, and made inquiries regarding the Revenue Sub-Inspector, Dalakot. After contacting him at about 4:00 p.m., they submitted the report to the

Patwari. He further stated that Exhibit A-1 on record is the same report which had been handed over to them by Sher Singh.

31. PW-17 is Dr. Rohit Babu, who has been serving as a doctor at Safdarjung Hospital, Delhi, since the year 2018. He deposed that, on the morning of 12.11.2018, Smt. Jaya Devi was admitted to the hospital and was treated by him. According to him, Smt. Jaya Devi had sustained 50% burn injuries and her condition was very serious. There was a deficiency of blood in her body, and the infection had spread throughout her system. Her head, face, both hands, both legs, chest, back, and right thigh had suffered burn injuries.

He further deposed that Smt. Jaya Devi remained admitted in the hospital from 12.11.2018 to 20.11.2018 and, during the course of treatment, she succumbed on 20.11.2018 due to sepsis (infection). He stated that the burn injuries had been caused by acid and that she died as a consequence of the extensive burn injuries sustained by her.

He proved the Medico-Legal Report of Smt. Jaya Devi, which was marked as Exhibit A-44. He also proved the death summary prepared by Dr. Praveen Kumar, identified the signatures appearing thereon, and the same was marked as Exhibit A-45. The death report was marked as Exhibit A-46. He further proved the treatment records of Safdarjung Hospital, Delhi, which were collectively marked as Exhibit A-47.

In his cross-examination, he stated that, when the victim was brought for treatment, she was in a condition to speak. Upon being questioned, she stated that acid had been thrown upon her by her uncle, though she did not disclose the name of anyone.

32. PW-18 is Dr. Vedant Kulshreshth, who conducted the post-mortem examination on the body of Smt. Jaya Devi. He deposed that, in his opinion, the cause of death was ante-mortem 50% chemical burn injuries, resulting in septicemic shock due to infection. He further stated that the injuries were sufficient to cause death in the ordinary course of nature. He proved the post-mortem report prepared by him, which was marked as Exhibit A-48.

33. PW-19 is Constable Dinesh Singh Rawat, who deposed that on 03.01.2019, he was posted at Kotwali, Almora, as a Constable. On the orders of the Court, he proceeded to the Forensic Science Laboratory, Rudrapur, along with four sealed bundles. He deposited the said bundles at the FSL, Rudrapur on 04.01.2019 and obtained a receipt in acknowledgment thereof.

34. PW-20 is S.I. Devendra Singh Samant, who deposed that he took over the investigation of the case on 26.10.2018. On 30.11.2018, he recorded the statements of the victims, namely Neema Devi and Diwan Singh, as well as that of the accused, Raghunath Singh. On the same day, he arrested Raghunath Singh and prepared the arrest memo, which was marked as Exhibit A-49. He further stated that information regarding the arrest was furnished to the wife of the accused, Smt. Tara Devi, at the spot, and the information memo was marked as Exhibit A-50. He proved the dispatch G.D., which was marked as Exhibit A-51, and the G.D. Entry No. 41 relating to the entry of the accused at Kotwali, Almora, which was marked as Exhibit A-52. He further deposed that he had sent the case property to the FSL, Rudrapur, under a forwarding letter, on which the FSL, Rudrapur acknowledged receipt. The said forwarding letter was marked as Exhibit A-53.

He further stated that on 16.11.2019, he recorded the statement of Dr. Praveen Kumar. He also deposed that on 04.02.2019, he received the post-mortem report and the inquest report relating to Smt. Jaya Devi.

During the course of investigation, he recorded the statements of Dr. Vedant Kulshreshth and Dr. Praveen Kumar. Upon receipt of the post-mortem report, he added Section 302 of the IPC to the case against the accused. During the investigation, he also recorded the statements of Gopal Singh, Diwan Singh Bahadur, Ram Vinod Singh, Kiran Chamyal, Sunder Singh, and the previous Investigating Officer, Kuldeep Joshi, etc.

He further deposed that he received the supplementary medical reports of Jaya Devi and Neema Devi from Sushila Tiwari Hospital and recorded the statement of Dr. Himanshu. Thereafter, upon completion of the investigation, he submitted a charge-sheet dated 20.02.2019 against the accused under Sections 302, 326-A, and 504 of the IPC, which was marked as Exhibit A-54.

He further stated that, after submission of the charge-sheet, he received the FSL report from FSL, Rudrapur, which was thereafter filed before the Court of the Chief Judicial Magistrate, Almora. The FSL report, signed by the Deputy Director, was marked as Exhibit A-55 and is admissible in evidence under Section 293 of the Cr.P.C.

In his cross-examination, he admitted that appellant had injuries on his face & head and also had acid burn injuries. In his investigation, he had obtained information about acid being found in possession of accused / appellant for use in extraction of resins.

35. Lastly, the statement of the accused/appellant was recorded under Section 313 of the Cr.P.C. He denied the statements made by the prosecution witnesses and contended that the same were false. The other incriminating evidence and material put to him were either denied by him or he failed to offer any satisfactory explanation in respect thereof.

He denied having any knowledge regarding the death of Jaya Devi and stated that he did not know how she had died, asserting that she had been suffering from illness. He further stated that his own body had sustained burn injuries and alleged that Sher Singh had attacked him with a darati (sickle) and had thrown acid upon him. According to the accused, Sher Singh had also thrown acid upon his own family members in order to falsely implicate him in the present case.

36. The accused/appellant examined Dr. Lalit Mohan as DW-1. He deposed that on 09.07.2021, he was posted as a Medical Officer in the District Jail when the accused, Raghunath Singh, was brought to the jail in judicial custody. He further stated that certain medical documents relating to Raghunath Singh had been submitted before him, which he had brought to the Court. Among those documents was the discharge summary of Sushila Tiwari Hospital, Haldwani. According to the said medical records, there was a mention of injuries sustained by Raghunath Singh on his head and face by a sharp-edged weapon. The records also reflected that he had sustained acid burn injuries.

37. Smt. Tara Devi, wife of Raghunath Singh, was examined as DW-2. She deposed that the incident occurred on 10.09.2018. Her husband had come to Almora, and they had gone to cut grass.

On that day, at around 4:30 to 5:00 p.m., when her husband had come home, Mohini Devi and her family members attacked him. By that time, she had also reached home carrying grass. Tara Devi and Neema Devi attacked Raghunath Singh on his face and other parts of his body with a Darati (sickle). As a result of the attack, Raghunath Singh sustained injuries, blood started oozing out, and he fell unconscious. When she went to save him, Diwan Singh, son of Sher Singh, caught hold of her. Thereafter, Sher Singh, thinking that Raghunath Singh had died, brought a jerkin and a mug from inside. She thought that Sher Singh was throwing water. Sher Singh then threw something like water from the mug upon the daughters-in-law and children. Her husband, Raghunath Singh, had already become unconscious, and thereafter the entire family went to Almora, taking the jerkin and the mug with them. She further deposed that they had thought that Raghunath Singh had died, but somebody came there and informed them that he was still alive and should be taken to hospital. Thereafter, she and her son, with great difficulty, took him to Base Hospital, Almora. At Base Hospital, Almora, stitches were applied to his head, and the doctors informed them that he had sustained multiple injuries and should be taken to a higher medical centre, namely Sushila Tiwari Hospital, Haldwani. He remained there for one day and one night, after which he was referred to a higher centre in Delhi. She further stated that since they were occupied with the treatment of her husband, they could not immediately lodge a report. Thereafter, when they approached the Patwari to lodge a report, he told them to first ensure that Raghunath Singh recovers and then come along with him. In her cross-examination, DW-2 admitted that on that day her husband had consumed liquor. She admitted that due to material that was

kept in the jerkin, Sher Singh and his family members had gone to the hospital for treatment.

38. Doctor Himanshu Saxena, Professor Plastic Surgery in Sushila Tiwari Hospital, Haldwani was examined as DW-3 through V.C. He deposed that patient Raghunath Singh was admitted in the hospital on 11.09.2018 at 9:25 a.m. There was one injury on his forehead measuring 10 x 1cm. There was injury on left cheek, which was stitched. There was swelling on his left eye and blackness, multiple chemical burns on right eye and at 4 or 5 places on stomach and back and left hand. The patient was not fully conscious and blood had come from nose, ear and mouth and had been referred to Base Hospital, Almora. The injuries sustained by the patient Raghunath Singh was from sharp edged weapon and the chemical burns were probably from acid. The witness proved documents 73A/3, which was marked as Exhibit B1.

39. Dr. Anupam Joshi was examined as DW-4. He deposed that on 10.09.2018, he was posted at Base Hospital, Almora, and patient Raghunath Singh was brought to him by Tara Devi. The patient had sustained multiple injuries. Since orthopaedic and neurosurgical facilities, as well as CT scan facilities, were not available at the hospital, he referred the patient to a higher centre. He had brought the Medico-Legal Register, which he proved as Exhibit B-2.

In his cross-examination, he admitted that there were no burn injuries on the front portion of the patient's body. He further admitted that the patient had not informed him about the manner in which he had sustained the injuries and, therefore, he could not state how the injuries were caused. Since the patient did not

disclose the circumstances relating to the injuries, the same were not recorded in the Medico-Legal Register. Smt. Tara Devi had informed him that the patient had sustained injuries, but she did not disclose who had caused those injuries.

40. Thereafter, the matter was finally heard by the learned Additional Sessions Judge, Almora, who, vide judgment and order dated 27.07.2022, concluded that the prosecution had been able to prove the charges against the accused/appellant beyond reasonable doubt. Accordingly, the accused/appellant was convicted under Sections 326A, 302 and 504 of the IPC by the impugned judgment and order dated 27.07.2022/30.07.2022.

41. Assailing the aforesaid judgment and order dated 27.07.2022/30.07.2022, learned Amicus Curiae for the appellant submitted that the FIR was lodged belatedly, after due deliberation, and as an afterthought. It was contended that since the FIR itself is delayed, the prosecution case emanating therefrom becomes doubtful at the very inception.

42. Learned Amicus Curiae for the appellant would further submit that there are material inconsistencies between the version narrated in the FIR and the testimonies of the prosecution witnesses.

43. Learned Amicus Curiae for the appellant would further submit that it is an admitted case that an altercation had taken place between the parties. He further submitted that the initial medical examination reports prepared at District Hospital, Almora on 10.09.2018 do not contain any reference whatsoever to an acid attack. Learned counsel further contended that Jaya Devi died after two months and eleven days from the date of the incident due to

septicemia and, therefore, the conviction of the appellant under Section 302 of the IPC cannot be sustained.

He further submitted that the initial medical reports merely refer to corrosive burns, which, at best, may indicate chemical burns. Since there is no specific mention of burns caused by acid, the prosecution case becomes doubtful from its very inception.

He further submitted that the doctor at Almora, in his medical examination report, did not mention any acid attack. Referring to the deposition of PW-10, the Investigating Officer, learned counsel contended that Exhibit A-22 does not contain any reference to acid burns having caused the death of the deceased, Jaya Devi.

44. Learned Amicus Curiae for the appellant has also referred to the death report of Jaya Devi, wherein the cause of death has been recorded as “septicemic shock due to 50% post-chemical burn raw area.” He further submitted that even in the death report, there is no mention of acid burns.

45. Learned Amicus Curiae for the appellant further submitted that the deceased remained under treatment at Sushila Tiwari Hospital, Haldwani for about two months and subsequently died in Delhi. He, therefore, contended that the facts of the present case do not attract the offence punishable under Section 302 of the IPC.

Referring to the testimony of PW-5, who is the husband of Smt. Jaya Devi, learned Amicus Curiae submitted that PW-5 has

admitted that he did not see who threw the acid upon the injured and that he had come out only after hearing the noise.

46. Learned Amicus Curiae for the appellant would further submit that PW-6 is a child witness and much credence cannot be given to his testimony.

Referring to the cross-examination of PW-7, learned Amicus Curiae for the appellant submitted that PW-7 had admitted that at the time when the quarrel was taking place, she was inside the house. He further submitted that she had admitted that she did not actually see who had thrown the acid. However, thereafter, the witness stated that it was Raghunath Singh who had thrown the acid upon her.

47. Learned Amicus Curiae for the appellant further submitted that the jerkin and the mug allegedly used in the incident were not sent to the Forensic Science Laboratory for examination, which creates a serious doubt on the prosecution case.

Referring to the cross-examination of PW-4, learned Amicus Curiae for the appellant submitted that when her mother and aunt were raising an alarm, she was inside the room. By the time she came out, acid had already been thrown upon her mother and aunt. He further submitted that she had admitted that she had not actually seen Raghunath Singh throwing acid upon them. On the basis of the said testimony, learned counsel contended that PW-4 is a tutored witness.

48. Learned Amicus Curiae for the appellant further submitted that the prosecution has not conducted a proper investigation in the matter. Referring to the cross-examination of

PW-1, learned counsel submitted that PW-1 has admitted that when his daughters-in-law attacked his brother, the latter became unconscious. On the basis of the said admission, it was contended that the investigation failed to properly examine the injuries sustained by the appellant and the circumstances in which they were caused.

He further referred to the cross-examination of PW-6 and submitted that the witness had admitted that his grandfather had assaulted Raghunath Singh, as a result of which Raghunath Singh fell unconscious.

Referring to the cross-examination of PW-8, learned Amicus Curiae for the appellant submitted that Raghunath Singh was also lying at the spot in an injured condition, with blood oozing from his head, and that he was not in a position to speak.

49. Learned Amicus Curiae for the appellant further referred to the cross-examination of PW-14 and submitted that the witness had admitted that Raghunath Singh had sustained injuries on his head, blood was oozing therefrom, and that he was in an unconscious condition.

Referring to the deposition of PW-13, learned Amicus Curiae for the appellant submitted that the jerkin was not sent by the Patwari/Investigating Officer to the Forensic Science Laboratory for examination. He further submitted that the Patwari/Investigating Officer had also admitted that the blood-stained mud and plain mud collected from the spot were not sent for FSL examination.

50. Learned Amicus Curiae for the appellant further submitted that the Investigating Officer had concealed the true facts and circumstances of the case and that the prosecution had failed to explain or account for the injuries sustained by the accused/appellant.

51. Learned Amicus Curiae for the appellant would rely upon the judgment of Hon'ble Supreme Court in the case of "Laxmi Singh and others vs. State of Bihar" reported in (1976) 4 SCC 394 and would refer to a certain portion of para 12 thereof, which is extracted hereunder "*.... In a situation like this when the prosecution fails to explain the injuries on the person of an accused, depending on the facts of each case, any of the three results may follow: (1) That the accused had inflicted the injuries on the members of the prosecution party in exercise of the right of self-defence, (2) It makes the prosecution version of the occurrence doubtful and the charge against the accused cannot be held to have been proved beyond reasonable doubt and (3) It does not affect the prosecution case at all....*" Relying upon the aforesaid principle, learned counsel submitted that the prosecution has failed to explain the injuries sustained by the accused/appellant. It was, therefore, contended that the prosecution has not been able to prove its case beyond reasonable doubt and, consequently, the appellant is entitled to acquittal.

Referring to the testimony of PW-17, learned Amicus Curiae for the appellant further submitted that Smt. Jaya Devi had informed the doctor that acid had been thrown upon her by her uncle; however, she did not disclose the name of anyone.

52. Learned Amicus Curiae for the appellant further referred to the testimony of DW-1 and submitted that there was a reference to the discharge summary of Sushila Tiwari Hospital in the said testimony. According to the discharge summary, there was mention of injuries on the face and head caused by a sharp-edged weapon. The document also recorded the presence of burn injuries.

53. Learned Amicus Curiae for the appellant further drew the attention of the Court to the testimony of DW-3, Dr. Himanshu Saxena, regarding the injuries sustained by the accused/appellant.

54. Learned Amicus Curiae for the appellant also placed reliance upon the testimony of DW-2, Smt. Tara Devi, wherein she deposed that Sher Singh had thrown something like water upon his daughters-in-law and children. On the basis of the said testimony, learned counsel submitted that the prosecution case is false and that the accused/appellant has been falsely implicated. It was, therefore, contended that the impugned judgment and order cannot be sustained in law, the appeal deserves to be allowed, and the impugned judgment and order deserve to be set aside.

55. Learned Amicus Curiae for the appellant submitted that the FSL report cannot be relied upon. He contended that material facts have been suppressed by the prosecution and that the ingredients of the offence punishable under Section 302 of the IPC are not made out. He further submitted that the investigation is wholly faulty inasmuch as the jerkin and the mug were handed over at the hospital and were not seized in the ordinary course of investigation.

56. Learned counsel further submitted that there is no explanation as to where the seized material remained during the

intervening period of about four months before it was sent for forensic examination. According to him, the prosecution has failed to establish the chain of custody of the material exhibits. It was, therefore, contended that the prosecution case is unreliable and that the FSL report cannot be relied upon.

57. *Per contra*, Ms. Manisha Rana Singh, learned Deputy Advocate General for the State, submitted that due to the acid attack by the accused/appellant, the informant as well as his entire family sustained serious injuries. It was only after the informant was admitted to the hospital that a volunteer of the District Legal Services Authority, Almora met him while he was undergoing treatment. The informant narrated the incident to the volunteer, who reduced the same into writing in the form of the First Information Report, which was thereafter signed by the informant. Thus, it was contended that since the informant was undergoing treatment for acid burn injuries, the delay, if any, in lodging the FIR has been properly explained and, therefore, no adverse inference can be drawn on account of the delay.

58. Learned State counsel further submitted that the testimonies of the injured witnesses cannot be ignored. The statements of the injured persons are consistent with the prosecution case. The presence of the accused/appellant is established at the place of occurrence.

59. Learned State counsel further submitted that PW-1, PW-2, PW-3, PW-4, PW-6 and PW-7 are not only eye-witnesses to the incident but are also injured witnesses. They have categorically deposed that, on the date of the incident, the accused/appellant was in a drunken state and had thrown acid upon them.

60. Learned Deputy Advocate General further submitted that Smt. Jaya Devi and Smt. Neema Devi sustained more severe injuries as they were standing in the front when the acid attack was carried out by the accused/appellant. Consequently, a larger quantity of acid fell upon their bodies, resulting in serious burn injuries.

61. Learned Deputy Advocate General further submitted that PW-9, Dr. Praveen Kumar of District Hospital, Almora, has duly proved the medical papers, bed-head tickets, and discharge slips. He was the doctor who had admitted the victims to the hospital and has categorically deposed regarding the corrosive burns sustained by them.

62. Learned Deputy Advocate General further submitted that PW-10 and PW-11 were the panch witnesses. PW-12, Dr. Himanshu Saxena, who was posted at Sushila Tiwari Hospital, Haldwani, has clearly deposed regarding the nature and extent of the injuries sustained by Jaya Devi and Neema Devi.

63. Learned Deputy Advocate General for the State further referred to the medical report of Jaya Devi dated 11.09.2018, wherein her injuries were stated to be life-threatening in nature. She also referred to the supplementary medical report of Neema Devi, which recorded that the injuries sustained by her were grievous in nature.

She further submitted that PW-13, the Revenue Sub-Inspector/Investigating Officer, proved Exhibits A-30 to A-43, of which the site plan is a relevant document. PW-15, the driver who had taken the injured persons to the hospital, who duly proved the said fact and also deposed that Sher Singh was carrying the jerkin and the mug.

64. Learned Deputy Advocate General further submitted that PW-17, the doctor, proved Exhibits A-44 to A-47, which include the medico-legal documents, the death summary, the death report of Jaya Devi, and the medical slips. PW-18, the doctor who conducted the post-mortem examination, duly proved the post-mortem report. PW-20, the second Investigating Officer, proved Exhibits A-49 to A-55, including the forwarding documents relating to the FSL report.

She further submitted that the prosecution has been able to prove its case beyond reasonable doubt. All the injured witnesses have consistently supported the prosecution version.

65. Learned Deputy Advocate General for the State further submitted that, even in light of the judgment in Laxmi Singh (*supra*), the prosecution case remains unaffected. Referring to the cross-examination of PW-1, she pointed out that PW-1 had stated that when the accused/appellant brought the acid, the daughters-in-law attacked him. According to learned counsel, this sufficiently explains the injuries sustained by the accused/appellant. Therefore, it is not a case of non-explanation of injury on an act and it does not adversely affect the prosecution case and does not create any doubt regarding the guilt of the accused/appellant.

She further submitted that there is clear ocular evidence establishing that the accused/appellant threw acid upon the injured witnesses. In view of the consistent testimony of the injured eye-witnesses, the offence punishable under Section 326A of the IPC stands duly established.

66. Learned Deputy Advocate General further submitted that the medical evidence fully corroborates the ocular testimony. The doctors have specifically deposed regarding the corrosive burns

sustained by the victims, and the medical records also contain references to acid burns. Accordingly, it was contended that the charge under Section 326A of IPC has also been proved beyond reasonable doubt.

67. Learned Deputy Advocate General for the State further submitted that it is the prosecution case that the accused/appellant, while heavily intoxicated, initially abused and quarrelled with the informant (PW-1). Thereafter, he went inside his house, brought a jerkin containing acid along with a mug, and deliberately made an acid attack upon the injured persons, including the informant. It was contended that the conduct of the accused/appellant in procuring the acid and thereafter throwing it upon the victims clearly demonstrates his intention to commit the offence and cause fatal injuries. She further submitted that the testimonies of all the injured witnesses and eye-witnesses are consistent. It was further contended that the testimony of an injured witness carries great value and is considered more reliable. Accordingly, learned counsel submitted that the offences punishable under Sections 326A and 302 of the IPC are clearly made out against the accused/appellant.

68. Having heard the rival contentions of respective counsel for the parties and having gone through the record, the case is analysed in the following paragraphs.

69. As far as the aspect of delay in lodging the FIR is concerned, since the informant and his entire family were injured and were admitted to the hospital, and were undergoing treatment, the delay in lodging the FIR is not material and does not create any doubt on the prosecution case. In fact, the informant was under

treatment in the District Hospital in Almora & it was only when volunteers of District Legal Services Authority met the informant, the FIR could be lodged. The delay is thus duly explained.

70. So far as the aspect of testimony of injured witness is concerned, in the case of “Balu Sudam Khalde and Another vs. State of Maharashtra”, (2023) 13 SCC 365, the Hon’ble Supreme Court has laid down the principles for appreciating evidence of an injured witness. The Hon’ble Supreme Court held as under:-

“26. When the evidence of an injured eyewitness is to be appreciated, the undernoted legal principles enunciated by the courts are required to be kept in mind:

26.1. The presence of an injured eyewitness at the time and place of the occurrence cannot be doubted unless there are material contradictions in his deposition.

26.2. Unless, it is otherwise established by the evidence, it must be believed that an injured witness would not allow the real culprits to escape and falsely implicate the accused.

26.3. The evidence of injured witness has greater evidentiary value and unless compelling reasons exist, their statements are not to be discarded lightly.

26.4. The evidence of injured witness cannot be doubted on account of some embellishment in natural conduct or minor contradictions.

26.5. If there be any exaggeration or immaterial embellishments in the evidence of an injured witness, then such contradiction, exaggeration or embellishment should be discarded from the evidence of injured, but not the whole evidence.

26.6. The broad substratum of the prosecution version must be taken into consideration and discrepancies which normally creep due to loss of memory with passage of time should be discarded.”

71. Reference is also made to the judgment of the Hon’ble Supreme Court in the case of “Abdul Sayeed vs. State of Madhya Pradesh”, (2010) 10 SCC 259, wherein the Hon’ble Supreme Court in paragraph nos.28, 29 and 30 has held as under:-

“28. The question of the weight to be attached to the evidence of a witness that was himself injured in the course of the occurrence has been extensively discussed by this Court. Where a witness to the occurrence has himself been injured in the incident, the testimony of such a witness is generally considered to be very reliable, as he is a witness that comes with a built-in guarantee of his presence at the scene of the crime and is unlikely to spare his actual assailant(s) in order to falsely implicate someone. “Convincing evidence is required to discredit an injured witness.” [Vide Ramlagan Singh v. State of Bihar [(1973) 3 SCC 881 : 1973 SCC (Cri) 563 : AIR 1972 SC 2593] , Malkhan Singh v. State of U.P. [(1975) 3 SCC 311 : 1974 SCC (Cri) 919 : AIR 1975 SC 12] , Machhi Singh v. State of Punjab [(1983) 3 SCC 470 : 1983 SCC (Cri) 681] , Appabhai v. State of Gujarat [1988 Supp SCC 241 : 1988 SCC (Cri) 559 : AIR 1988 SC 696] , Bonkya v. State of Maharashtra [(1995) 6 SCC 447 : 1995 SCC (Cri) 1113] , Bhag Singh [(1997) 7 SCC 712 : 1997 SCC (Cri) 1163] , Mohar v. State of U.P. [(2002) 7 SCC 606 : 2003 SCC (Cri) 121] (SCC p. 606b-c), Dinesh Kumar v. State of Rajasthan [(2008) 8 SCC 270 : (2008) 3 SCC (Cri) 472] , Vishnu v. State of Rajasthan [(2009) 10 SCC 477 : (2010) 1 SCC (Cri) 302] , Annareddy Sambasiva Reddy v. State of A.P. [(2009) 12 SCC 546 : (2010) 1 SCC (Cri) 630] and Balraje v. State of Maharashtra [(2010) 6 SCC 673 : (2010) 3 SCC (Cri) 211] .]

29. While deciding this issue, a similar view was taken in Jarnail Singh v. State of Punjab [(2009) 9 SCC 719 : (2010) 1 SCC (Cri) 107] , where this Court reiterated the special evidentiary status accorded to the testimony of an injured accused and relying on its earlier judgments held as under : (SCC pp. 726-27, paras 28-29)

“28. Darshan Singh (PW 4) was an injured witness. He had been examined by the doctor. His testimony could not be

brushed aside lightly. He had given full details of the incident as he was present at the time when the assailants reached the tubewell. In Shivalingappa Kallayanappa v. State of Karnataka [1994 Supp (3) SCC 235 : 1994 SCC (Cri) 1694] this Court has held that the deposition of the injured witness should be relied upon unless there are strong grounds for rejection of his evidence on the basis of major contradictions and discrepancies, for the reason that his presence on the scene stands established in case it is proved that he suffered the injury during the said incident.

29. In State of U.P. v. Kishan Chand [(2004) 7 SCC 629 : 2004 SCC (Cri) 2013] a similar view has been reiterated observing that the testimony of a stamped witness has its own relevance and efficacy. The fact that the witness sustained injuries at the time and place of occurrence, lends support to his testimony that he was present during the occurrence. In case the injured witness is subjected to lengthy cross-examination and nothing can be elicited to discard his testimony, it should be relied upon (vide Krishan v. State of Haryana [(2006) 12 SCC 459 : (2007) 2 SCC (Cri) 214]). Thus, we are of the considered opinion that evidence of Darshan Singh (PW 4) has rightly been relied upon by the courts below.”

30. *The law on the point can be summarised to the effect that the testimony of the injured witness is accorded a special status in law. This is as a consequence of the fact that the injury to the witness is an inbuilt guarantee of his presence at the scene of the crime and because the witness will not want to let his actual assailant go unpunished merely to falsely implicate a third party for the commission of the offence. Thus, the deposition of the injured witness should be relied upon unless there are strong*

grounds for rejection of his evidence on the basis of major contradictions and discrepancies therein.”

72. On considering the evidence on record and in particular the testimony of PW-1, who is himself the injured witness, there is clear and categorical evidence about the manner in which the appellant-accused made the acid attack on the injured and the injuries sustained by them.

73. The question that arises for consideration is whether the prosecution has been able to prove its case against the accused/appellant beyond reasonable doubt and whether conviction of appellant under Sections 326A, 302 and 504 of the IPC is sustainable in law.

74. A perusal of the testimonies of the prosecution witnesses reveals that they are consistent with regard to the manner in which the incident occurred. The witnesses have consistently stated that the accused/appellant, while in a drunken state, was quarrelling with and abusing the informant (PW-1). Thereafter, he went inside his house, brought a jerkin containing acid along with a mug, and threw the acid upon the informant and his family members. The evidence further indicates that he did not even spare the young children, all of whom sustained acid burn injuries.

75. The evidence on record further establishes that Smt. Jaya Devi and Smt. Neema Devi sustained serious acid burn injuries. Owing to the severity of their injuries, both were referred to Sushila Tiwari Hospital, Haldwani for specialised treatment. Unfortunately, despite undergoing treatment, Jaya Devi died on 20.11.2018.

76. Learned Amicus Curiae for the appellant had relied upon certain portions of the testimonies of the prosecution witnesses, as well as certain shortcomings on the part of the Investigating Officer, in an attempt to assail the findings recorded in the impugned judgment. He has submitted that there are inconsistencies in the statements of prosecution witnesses. It needs to be stated that there are minor inconsistencies which do not create any doubt on the prosecution case as the prosecution witnesses are consistent about the acid attack by the accused/appellant and the resultant acid burn injuries sustained by the deceased and the injured. It is also settled law that any anomaly or shortcoming in the investigation does not affect the prosecution case. In this regard, reference needs to be made to the judgment of Hon'ble Supreme Court in the case of State of Uttar Pradesh vs. Naresh and Others reported in (2011) 4 SCC 324, wherein, at para 30, the Hon'ble Supreme Court dealt with the minor inconsistencies in the prosecution case. The relevant portion of para 30 thereof is being extracted hereunder:-

“30. In all criminal cases, normal discrepancies are bound to occur in the depositions of witnesses due to normal errors of observation, namely, errors of memory due to lapse of time or due to mental disposition such as shock and horror at the time of occurrence. Where the omissions amount to a contradiction, creating a serious doubt about the truthfulness of the witness and other witnesses also make material improvement while deposing in the court, such evidence cannot be safe to rely upon. However, minor contradictions, inconsistencies, embellishments or improvements on trivial matters which do not affect the core of the prosecution case, should not be made a ground on which the evidence can be rejected in its entirety. The court has to form its

opinion about the credibility of the witness and record a finding as to whether his deposition inspires confidence.....”

However, insofar as the attempt to deny the very incident dated 10.09.2018 is concerned, the same cannot be accepted. The occurrence of the incident stands admitted even from the testimony of DW-2, Smt. Tara Devi, the wife of Raghunath Singh. In her cross-examination, DW-2 admitted that her husband had consumed liquor on the day of the incident.

77. Learned Amicus Curiae has also pointed out certain lapses on the part of the Investigating Officer and has argued that on account of the same, the prosecution case becomes doubtful. In this regard, reference needs to be made to the judgment of the Hon’ble Supreme Court in the case of ‘Edakkandi Dineshan alias P. Dineshan and Others Vs. State of Kerala’, reported in (2025) 3 SCC 273, wherein, it is held that on account of defective investigation, the benefit will not inure to the accused persons on that ground alone. Relevant paras 26 and 27 thereof are being extracted hereunder :-

“26. A cumulative reading of the entire evidence on record suggests that the investigation has not taken place in a proper and disciplined manner. There are various areas where a proper investigation could have strengthened its case. In Paras Yadav v. State of Bihar [Paras Yadav v. State of Bihar, (1999) 2 SCC 126 : 1999 SCC (Cri) 104] , the Supreme Court observed as under : (SCC p. 130, para 8)

“8. ... the lapse on the part of the investigating officer should not be taken in favour of the accused. It may be that such lapse is committed designedly or because of negligence. Hence, the prosecution evidence is required to

be examined dehors such omissions to find out whether the said evidence is reliable or not. For this purpose, it would be worthwhile to quote the following observations of this Court from Ram Bihari Yadav v. State of Bihar [Ram Bihari Yadav v. State of Bihar, (1998) 4 SCC 517 : 1998 SCC (Cri) 1085] : (SCC pp. 523-24, para 13)

‘13. ... In such cases, the story of the prosecution will have to be examined dehors such omissions and contaminated conduct of the officials otherwise the mischief which was deliberately done would be perpetuated and justice would be denied to the complainant party and this would obviously shake the confidence of the people not merely in the law-enforcing agency but also in the administration of justice.’ ”

27. Hence, the principle of law is crystal clear that on the account of defective investigation the benefit will not inure to the accused persons on that ground alone. It is well within the domain of the courts to consider the rest of the evidence which the prosecution has gathered such as statement of the eyewitnesses, medical report, etc. It has been a consistent stand of this Court that the accused cannot claim acquittal on the ground of faulty investigation done by the prosecuting agency. As the version of eyewitnesses in specifically naming the appellants have been consistent throughout the trial, we find that there is enough corroboration to drive home the guilt of the accused persons. When the testimony of PW 1 Jitesh, PW 2 and PW 4 is seen cumulatively, their versions can be seen to be corroborating each other. All of them being eyewitnesses, what is material to be seen is their stand is consistent when they said that it was A-2 who was responsible for inflicting blows on both the deceased. It may not be out of place to mention that though the unfortunate incident took place at midnight around 1 a.m., it was a full moon

night and as such, it was not pitch dark. This has also not been vehemently disputed by the defence counsel. Hence, the version put forth by the prosecution witnesses inspires confidence of this Court. The specific role attributed by the prosecution witnesses cannot be challenged on extraneous grounds which have been raised by the defence. There is no contradiction when it comes to assigning specific role to the above accused. Admittedly, there was an enmity between the witnesses as they were from different political groups. Moreover, it can be seen from the record that the accused and the witnesses were well acquainted with each other as PW 1, PW 2 and PW 4 had defected from CPI and had joined RSS. The witnesses could have tried to implicate anyone had they wished to take advantage of their past acquaintance and recent rivalry.”

78. DW-2 further admitted that, owing to the substance contained in the jerkin, Sher Singh and his family members had to be taken to the hospital for treatment. Thus, two basic facts stand established from the testimony of DW-2. Firstly, on the date of the incident, the accused/appellant had consumed liquor and was in an intoxicated condition. Secondly, Sher Singh and his family members sustained injuries as a result of the substance contained in the jerkin, which caused burn injuries necessitating medical treatment. Therefore, the deposition of the injured witnesses needs to be relied upon, more so since it has surfaced in the cross-examination of PW-20 that accused/appellant used to possess acid which he used to use in extraction of resin.

79. Insofar as the reliance placed upon the judgment of the Hon'ble Supreme Court in the case of Laxmi Singh (*supra*) is concerned, this Court finds that the injuries sustained by the accused/appellant have been duly explained by the prosecution. In

his cross-examination, PW-1 categorically stated that when Raghunath Singh came to throw acid, he was attacked with a Darati (sickle) by his daughters-in-law, as a result of which he sustained injuries.

80. Thus, the injuries found on the person of the accused/appellant stand satisfactorily explained by the prosecution evidence. Consequently, the accused/appellant cannot derive any benefit from the alleged non-explanation of his injuries.

81. Since the injuries sustained by the deceased, Jaya Devi, as a result of the acid attack stand duly proved, and it is also established that she underwent prolonged treatment following the acid burns and ultimately died on 20.11.2018 in Delhi due to septicemia arising from those injuries, hence, the offence punishable under Section 302 of the IPC is clearly attracted.

82. The evidence on record further demonstrates that, after the initial quarrel and exchange of abuses, the accused/appellant acted with premeditation. He went inside his house, brought a jerkin containing acid along with a mug, and deliberately threw the acid upon the deceased and the other victims. Such conduct clearly establishes his intention to cause death, or at the very least to inflict injuries of such a nature as were likely to result in death. The appellant acted in a gruesome and cruel manner to carry out his intentions. Accordingly, the conviction under Section 302 of the IPC is fully justified.

83. Likewise, the evidence of the injured eye-witnesses, duly corroborated by the medical evidence, conclusively establishes that the accused/appellant caused grievous burn injuries by throwing acid upon the victims. Consequently, the offence punishable under

Section 326A of the IPC also stands proved beyond reasonable doubt.

84. Having considered the rival submissions advanced by learned counsel for the parties, this Court is of the view that the impugned judgment and order dated 27.07.2022/30.07.2022 does not warrant any interference and the appeal deserves to be dismissed.

85. Accordingly, the appeal is dismissed.

86. Let a copy of this judgment along with the original records be sent to the trial court concerned.

(Siddhartha Sah, J.)
06.07.2026

(Ravindra Maithani, J.)
06.07.2026

Akash