2026 INSC 1013

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.3374 OF 2026

SATYA NARAYAN MEHER AND ANOTHER — **APPELLANTS**

VERSUS

STATE OF ODISHA — **RESPONDENT**

J U D G M E N T

ATUL S. CHANDURKAR, J

1. In this criminal appeal, the appellants challenge their conviction for the offence punishable under Section 325 read with Section 34 of the Indian Penal Code, 1860[1]. The appellants have been sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹20,000/- each, in default, to further undergo rigorous imprisonment for a period of six months each. The fine amount has been directed to be disbursed to the widow of the victim as compensation.

2. Facts giving rise to the present prosecution are that on 19.08.1994 at about 05.30 P.M, a written report was submitted by

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Reason:

[1] For short, 'the Penal Code'

Urmila Meher-PW1, in which it was stated that her husband Chintamani had been assaulted by the appellants along with one another, who has since expired. Chintamani received various injuries on his body and it was stated that he had been assaulted by means of a spade as well as *tangias*. He was given first aid and thereafter, admitted to hospital. He, however, succumbed to his injuries on 22.08.1994. After completion of investigation, all the three accused were charged for having committed the offence punishable under Section 302 read with Section 34 of the Penal Code.

3. Before the Sessions Court, the prosecution examined seven witnesses while the defence examined two witnesses. The Sessions Court found that despite enmity between the accused and the deceased, there was no pre-meditation for causing death of Chintamani. Out of the four injuries sustained by the victim, three were simple while one injury was grievous in nature. The death having occurred due to myocardial infraction, the Sessions Court held the accused guilty under Section 304 Part II read with Section 34 of the Penal Code. They were, accordingly, sentenced to rigorous imprisonment for a period of five years each.

4. On appeal by the appellants before the High Court of Odisha[2], the learned Single Judge by his judgment dated 12.02.2026 recorded a finding that the death of Chintamani was not homicidal in nature. The appellants were, therefore, convicted under Section 325 read with Section 34 of the Penal Code and sentenced to undergo rigorous imprisonment for a period of one year. They were also ordered to pay a fine of ₹20,000/- each, which amount was to be disbursed to the widow of Chintamani as compensation under Section 357 of the Code of Criminal Procedure, 1973[3]. Being aggrieved, the appellants have challenged their conviction. The proceedings against accused No.3 abated during pendency of the appeal before the High Court.

5. Ms. Renuka Sahu, learned counsel appearing for the appellants assailed the conviction of the appellants by submitting that the same was based on weak and hearsay evidence. It was submitted that PW3 who was stated to be an eye-witness had turned hostile. The other witnesses examined were family members of the deceased and were, thus, interested witnesses. The other evidence on record was not sufficient to sustain the

[2] For short, 'the High Court'
[3] For short, 'the Code'

conviction of the appellants. Moreover, the death having occurred due to myocardial infraction and there being no finding that the injuries caused led to the death of Chintamani, the appellants could not have been so convicted.

Without prejudice to the aforesaid, it was submitted that the appellant No.1 is now aged sixty-nine years while the appellant No.2 is aged fifty-nine years. The incident occurred on 19.08.1994 and a period of almost thirty-two years have since elapsed. The appellants had already undergone incarceration for a period of six months and hence, at this point of time, the appellants did not deserve to be required to undergo the remaining sentence. Instead, it was submitted that the fine amount could be enhanced so as to further compensate the widow of Chintamani. It was, thus, prayed that discretion under Article 136 of the Constitution of India be accordingly exercised.

6. Per contra, Ms. Pracheta Kar, learned counsel appearing for the respondent supported the conviction of the appellants. She submitted that the evidence on record having been minutely examined by the High Court and the conviction of the appellants having been altered to one under Section 325 of the Penal Code, no interference with the same was called for. Merely because some

witnesses were related to the deceased, the same could not be a reason to discard their testimonies. In fact, said witnesses corroborated with each other and were, thus, reliable. It was, thus, submitted that there was no merit in the appeal and it deserved dismissal.

7. We have heard the learned counsel for the parties at length and with their assistance, we have also gone through the records of the case. Insofar as the conviction of the appellants under Section 325 read with Section 34 of the Penal Code is concerned, in our view, the same does not call for any interference. The evidence on record, especially the depositions of PW1 and PW4 are consistent and there is no reason to disbelieve them merely on the ground that they were related to Chintamani. We find that the appreciation of their evidence by the High Court is appropriate and there is no reason, whatsoever, to take a different view of the matter. Further, the conclusion that the death of Chintamani was not homicidal, has not been challenged by the prosecution. We, therefore, find that the High Court has assigned sufficient reasons for altering the conviction of the appellants from Section 304 Part II to Section 325 read with Section 34 of the Penal Code. The conviction of the appellants, therefore, does not warrant

interference.

8. The appellants have been sentenced to undergo rigorous imprisonment for a period of one year. The sentence undergone by them is six months. The offence under Section 325 of the Penal Code is punishable with imprisonment up to seven years and fine. There is no minimum sentence prescribed. The incident leading to the prosecution occurred on 19.08.1994. Though the appellants were convicted by the Sessions Court vide judgment dated 08.08.1995, their appeal before the High Court was pending for almost thirty years. The appellant No.1 is now aged sixty-nine years while appellant No.2 is aged fifty-nine years. In our view, considering the aforesaid aspects and the backdrop in which the unfortunate incident leading to the death of Chintamani occurred coupled with the fact that the appellants and the family members of Chintamani are distantly related, we are of the view that while maintaining the conviction of the appellants under Section 325 read with Section 34 of the Penal Code, the sentence imposed can be partly modified.

Accordingly, the sentence of imprisonment is reduced to the period already undergone by them, which is six months. However, the fine amount imposed is enhanced to ₹40,000/- each. The

amount of fine shall be disbursed to the widow of Chintamani or her legal representatives as compensation under Section 357 of the Code. The amount of the fine shall be deposited by the appellants before the Sessions Court, Balangir within a period of four weeks from today. On such deposit, the said amount shall be disbursed to the widow of Chintamani or her legal heirs with the assistance of the District Legal Services Authority, Balangir. Failure to deposit the amount of fine would require the appellants to undergo the remaining sentence as ordered by the High Court. The impugned judgment of the High Court in CRA No.253 of 1995 dated 12.02.2026 is modified to the aforesaid extent. The Criminal Appeal is partly allowed in aforesaid terms. Pending interlocutory application is also disposed of.

.....J.
[UJJAL BHUYAN]

.....J.
[ATUL S. CHANDURKAR]

NEW DELHI,
JULY 28, 2026.