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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 9th February, 2026
Uploaded on: 9th February, 2026

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+ **CRL.A. 1427/2025 & CRL.M.(BAIL) 2091/2025**

MOHD. SHADAB

.....Appellant

Through: Mr. Abhijat Bal, Sr. Advocate with
Ms. Nusrat Hossain, Mr. Manish
Kumar Singh, Mr. Shantanu Mishra,
Mr. Satyam Gupta, Mr. Harsh
Vardhan, Advocates

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Ritesh Kumar Bahri, APP with
Ms. Divya Yadav & Mr. Lalit Luthra,
Advs.

Insp. Subhash Chand, PS Darya Ganj
WITH

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+ **CRL.A. 1497/2025 & CRL.M.(BAIL) 2188/2025**

MOHD WASEEM @ BHURA

.....Appellant

Through: Ms. Nusrat Hossain, Mr. Manish
Kumar Singh, Mr. Shantanu Mishra,
Advs.

versus

THE STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Ritesh Kumar Bahri, APP with
Ms. Divya Yadav & Mr. Lalit Luthra,
Advs.

Insp. Subhash Chand, PS Darya Ganj
WITH



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CRL.A. 1499/2025 & CRL.M.(BAIL) 2193/2025
SALEEMUDDIN @ SALIMAppellant
Through:

versus

THE STATE (GOVT. OF NCT OF DELHI)Respondent
Through: Mr. Ritesh Kumar Bahri, APP with
Ms. Divya Yadav & Mr. Lalit Luthra,
Advs.
Insp. Subhash Chand, PS Darya Ganj

WITH

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CRL.A. 1512/2025 & CRL.M.(BAIL) 2207/2025
MOHD ATIF MALIK @ LALAAppellant
Through: Ms. Nusrat Hossain, Mr. Manish
Kumar Singh, Mr. Shantanu Mishra,
Advs.

versus

THE STATE (GOVT. OF NCT OF DELHI)Respondent
Through: Mr. Ritesh Kumar Bahri, APP with
Ms. Divya Yadav & Mr. Lalit Luthra,
Advs.
Insp. Subhash Chand, PS Darya Ganj

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Madhu Jain, J.(Oral)

BACKGROUND

1. Present appeals have been filed on behalf of the Appellants under Section 415 (2) of Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter, 'BNSS'*) assailing the impugned judgment of conviction and order on



sentence dated 6th September, 2025 and 12th September, 2025 respectively, passed by the 1d. ASJ (FTC)-02, Central District, Tis Hazari Court, Delhi whereby the Appellants have been convicted in *Sessions Case No. 28476/2016* arising out of *FIR No. 224/2015* registered at P.S. Darya Ganj under Section 302 read with Section 34 of the Indian Penal Code, 1860 (*hereinafter 'IPC'*).

2. By the impugned judgment of conviction and order on sentence, the appellants have been sentenced to undergo life imprisonment along with a fine of Rs. 5,000/-. In default of payment of the fine, they have been sentenced to undergo simple imprisonment for a period of two months for the offence punishable under Section 302 read with Section 34 of the IPC.

BRIEF FACTS:

3. Facts giving rise to the present appeals are that on 6th April, 2015, DD No. 2A was received in PS Darya Ganj regarding a quarrel near Turkman Gate, Delhi. On receiving the said information, PW-11 SI Ved Pal, along with PW-22 Ct. Girivar, reached at the spot. An agitated crowd was present there. On inquiry, it was learnt that a motorcycle had touched a car, which led to a quarrel. During the quarrel, the occupants of the car allegedly assaulted the motorcycle rider. The injured had already been taken to LNJP Hospital.

4. Thereafter, I.O. went to LNJP Hospital, where he was informed by Ct. Ajay that the injured had been declared dead by the doctor. The Investigating Officer collected the MLC of the deceased and seized the clothes of the deceased.

5. This led to registration of *FIR No. 224/2015* under section 302/34 IPC. The post mortem of the dead body of the deceased was then conducted.



6. *Vide* order dated 6th July, 2015, a copy of the charge-sheet was supplied to the accused persons under Section 207 Cr.P.C. *Vide* order dated 20th July, 2015, the case was committed to the Court of Sessions under Section 209 Cr.P.C.

7. The charges were then framed in the matter before the sessions court *vide* order on charge dated 4th December, 2015 under Section 302/34 IPC & Section 302 read with 149 IPC against all the five accused persons to which they pleaded not guilty and claimed trial.

8. During the trial, accused Sheikh Ameenuddin @ Ameenuddin Pehlwan expired, and the proceedings against him stood abated *vide* order dated 4th May, 2024.

9. The ld. Trial Court has mainly relied on the testimonies of PW-2, PW-3, PW-4, PW-7 and PW-9, as, according to the prosecution's case, they are the eyewitnesses to the incident. While believing the testimonies of these witnesses, the ld. Trial Court has discussed them as under:

"3. PW-2 Mohd. Fahad, the son of the deceased, is an alleged eyewitness to the incident. He deposed that on 05.04.2015, he, his younger brother PW-3 Mohd. Kaif, and their father Sh. Shahnawaj (since deceased) were returning to their house from their grandmother's residence on a motorcycle bearing registration No. DL-1SR-5852. At about 11:30 p.m., when they reached near Turkman Gate, there was a traffic jam. At that time, a silver-grey i-20 car bearing registration No. DL-2CAE-8426 came from the side of Ramleela Ground. While his father was trying to manoeuvre the motorcycle out of the jam, it slightly struck the said car."



He further deposed that accused Shadab was driving the car, accused Ameen was seated beside him, and some ladies were sitting on the rear seat. Upon the motorcycle touching the car, accused Shadab abused them in filthy language, came out of the car, and started beating his father. Accused Ameen also abused them. He further stated that a red-coloured Activa scooty bearing registration No. DL-2SAP-8057, carrying three boys, reached the spot and they also started beating his father. Accused Ameen Pahalwan allegedly exhorted others to kill his father, claiming himself to be the "dada" of the area.

He further deposed that his uncle Wasim reached the spot, but accused Shadab, Wasim @ Bhura, Salim, and Atif @ Lala continued beating his father, while accused Ameen repeatedly exhorted them to kill him. Thereafter, his younger uncle Suhail arrived, upon which the three accused who had come on the scooty fled on foot, leaving the scooty at the spot, while the remaining accused left in the car. His uncle Suhail took the injured to LNJP Hospital in a rickshaw. Later, PW-2 came to know that his father had expired.

During cross-examination, PW-2 stated that his father was driving the motorcycle, PW-3 was seated in the middle, and he was sitting at the rear. He admitted that the accused persons first abused his father while sitting in the car and thereafter assaulted him. He stated that accused Shadab slapped his father and accused Ameen exhorted the others to kill him. He admitted that he did not approach the nearby police post for help and that shops with CCTV cameras were present near the spot. He further admitted that he knew the names of the accused prior to the incident. He denied the suggestions that the accused were falsely



implicated or that he was tutored by family members, police officials, or any political person.

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PW-3 Mohd. Kaif, the younger son of the deceased, is also an alleged eyewitness. He deposed that on 15.04.2015 at about 11:20 p.m., he, his brother Fahad, and their father were returning from their grandmother's house on their father's motorcycle. Near Haj Manzil, Turkman Gate, there was a traffic jam, and while his father was taking out the motorcycle, it slightly struck a silver-grey i-20 car bearing registration No. DL-2CAE-8426. Thereafter, accused Shadab abused his father, came out of the car, and assaulted him. Accused Ameen Pahalwan also joined in beating his father. He further deposed that three more persons arrived on a red-coloured scooty bearing registration No. DL-9SAP-8057 and they too assaulted his father. Accused Ameen allegedly shouted that he was the "dada" of the area and exhorted others to kill his father. His father fell unconscious on the road. His uncles Wasim and Suhail subsequently reached the spot, upon which all five accused fled—accused Ameen and Shadab in the car, and the other three on foot. His father was taken to LNJP Hospital, where he later died. In cross-examination, PW-3 stated that the car came from the side of Ramleela Maidan and that two police personnel were present at the nearby police post. He admitted that around 40–50 persons had gathered at the spot. He stated that he came to know the names of the accused the next day through posters and that he did not provide any physical description of the assailants to the police. He denied the suggestion that he had falsely implicated the accused or that he had not witnessed the incident.

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PW-7 Sh. Suhail, the younger brother of the deceased, is cited as an eyewitness to the incident. He deposed that on 05.04.2015 at about 11:20–11:25 p.m., he was accompanying the baraat of his friend Anas, which was proceeding towards Turkman Gate. When he reached near Haj Manzil, he noticed a quarrel taking place. On approaching the crowd, he saw his elder brother Waseem attempting to intervene, while his other elder brother Shahnawaz (since deceased) was being beaten by Ameen Pahalwan, Waseem @ Bhura, Atif @ Lala, Shadab, and Saleem, who were already known to him.

He further deposed that the accused were mercilessly beating his brother with fist and leg blows while he was lying unconscious on the road. He tried to rescue his brother, but the accused continued the assault. According to him, accused Ameen Pahalwan was loudly exhorting the others to kill his brother and claiming himself to be the “dada” of the area. Thereafter, the accused persons left the spot along with the car. He removed his brother to LNJP Hospital in a rickshaw, where he was declared dead. He also stated that his nephews Fahad and Kaif were present at the spot and were crying for help. He further deposed that at about 4:30 a.m., the police met him at the spot, made inquiries, and he disclosed the names of the accused. He proved his statement regarding identification of the dead body as Ex. PW-7/A.

In his cross-examination, PW-7 stated that he witnessed the incident for about 5–7 minutes. He deposed that he first noticed his brother Waseem at the spot and that no baraati accompanied him to the place of occurrence. He admitted that he did not call the PCR as he was busy taking his brother to the hospital. He stated that he reached the



hospital at about 11:45 p.m. and his brother was examined in his presence. He further stated that there were no bloodstains at the spot and that the motorcycle of his brother and a scooty were parked there. He admitted that a police picket was situated within about 20 steps from the spot. He also stated that he did not know when or why the quarrel had started before his arrival. He denied the suggestions that he was not present at the spot or that the accused were falsely implicated, and further denied that his nephews Fahad and Kaif were planted witnesses.

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PW-9 Sh. Waseemuddin was the brother of the deceased as well as one of the eyewitnesses of the alleged incident. He deposed that on 05.04.2015 at around 11:10/11:15 p.m., he left his house to go to the area of Ganj Meer Khan to attend a party. He further deposed that at about 11:20 p.m., when he reached near Meer Haj Manzil, Dargah Faiz-e-Illahi, he saw a crowd. Thereafter, he entered the crowd and saw that Ameen Pahalwan, his son Shadab, his nephew Salim, and their associates Atif @ Lala and Waseem @ Bhura were brutally beating his brother Shahnawaz. He further deposed that they were kicking and punching his brother and that his nephews, Fahad and Kaif, were crying for help. At that time, Ameen Pahalwan was saying, "maar do isko jaan se taki sabko pata chal jaye ki main ilake ka dada hu." He further deposed that after seeing the incident, he made a call to the police at 100 number and thereafter intervened, and found that his brother had become unconscious. Despite this, all the aforesaid persons continued beating his brother Shahnawaz.

He further deposed that in the meantime, his younger brother Suhail arrived at the spot, after



which two of the accused fled in a grey-coloured i-20 car, while the remaining offenders also ran away, though he could not say whether they ran away in any vehicle or not. He further deposed that his brother Suhail took Shahnawaz to LNJP Hospital in a rickshaw and that he also reached there and came to know that his brother had been declared dead by the doctor. He further deposed that the motorcycle of his brother Shahnawaz bearing registration No. DL-1SR-5852 was seized by the police in his presence vide seizure memo Ex. PW-9/A, and that one red-coloured Activa scooty was also seized by the police in his presence vide seizure memo Ex. PW-9/B. He further deposed that at around 4:30 a.m. on 06.04.2015, he met the IO, who made inquiries from him, his nephew Mohd. Fahad, and his brother Suhail. He further deposed that thereafter he went to the spot, pointed out the place of occurrence, and the IO prepared the site plan Ex. PW-8/DA at his instance. He proved his statement regarding dead body identification as Ex. PW-9/C and the dead body handing-over memo as Ex. PW-9/D. He also deposed about the apprehension of accused Waseem @ Bhura on his identification and proved the arrest memo Ex. PW-9/E.

This witness was cross-examined at length. In his cross-examination, he deposed that his statement was recorded by the police on six occasions during the investigation, the first being on 05.04.2015, though he did not remember the dates and months of recording of his statements on other occasions. He stated that his last statement was recorded on 11.06.2015. He admitted that there was a police post near the spot of the incident at Turkman Gate. He further deposed that none of the accused assaulted or abused him and that neither he nor his brother Suhail approached the police post. He also



deposed that no blood was oozing from the body of his deceased brother and that his clothes were not blood-stained. He further deposed that he reached the hospital along with his brother Suhail and that his brother Suhail got the deceased admitted. He denied the suggestion that his family had cordial relations with the local ex-MLA Sh. Shoaib Iqbal or that he had tutored them to falsely implicate the accused persons. He further deposed that his statement was first recorded at about 6:30 a.m. on 06.04.2015 at PP Turkman Gate. He denied the suggestion that he did not know the accused persons prior to the date of the incident and had named them at the instance of Shoaib Iqbal and the then SHO Anil Sharma of PS Chandni Mahal. He also denied the suggestion that none of them, including himself, Fahad, Kaif, or Suhail, had witnessed any quarrel involving Shahnawaz on 05.04.2015.”

10. In their statements recorded under Section 313 Cr.P.C., the accused persons denied all the charges against them. They claimed that they were innocent and had been falsely implicated in the present case.

11. The 1d. Trial Court *vide* the impugned judgment convicted the accused persons and sentenced them to life imprisonment. The relevant paragraph is re-produced hereinbelow:

“122. Since accused Aminuddin @ Aminuddin Pahalwan exhorted other accused persons to kill deceased Shahnawaz and the other accused persons assaulted the deceased in pursuance of the said exhortation, as all the accused persons shared common intention, the prosecution has successfully proved that the accused persons intended to kill deceased Shahnawaz who was killed by the accused persons and



hence the case of the prosecution squarely falls within the purview of clause firstly of Section 300 IPC. Secondly, as per the opinion of PW-12 Dr. Amandeep Kaur, the death in the present case occurred as a result of the combined effect of brain damage and shock consequent upon blunt force trauma to the head and trunk respectively and brain damage, shock and liver laceration were individually and collectively sufficient to cause death in the ordinary course of nature, the case of the prosecution also falls within the purview of clause thirdly of Section 300 IPC. Thus, the prosecution has successfully proved the ingredients of offence punishable under Section 302/34 IPC against accused persons namely Aminuddin @ Aminuddin Pahalwan (since deceased), Mohd. Waseem @ Bhura, Mohd. Shadab, Mohd. Atif Malik @ Lala, Saleemuddin @ Salim, beyond reasonable doubt.

123. Accordingly, accused persons namely Mohd. Waseem @ Bhura, Mohd. Shadab, Mohd. Atif Malik @ Lala, Saleemuddin @ Salim are hereby convicted for the offence punishable under Sec. 302/34 IPC.”

12. As can be seen from the above, the 1d. Trial Court has held the Appellants are guilty under Section 302/34 IPC and has convicted them accordingly. In terms of the impugned order on sentence, the Appellants were directed to undergo imprisonment for life. The impugned order on sentence reads as under:

“17. This court is of the considered opinion that family members of deceased Shahnawaz have suffered mental trauma, inconvenience, hardship, disappointment and frustration and an adequate compensation needs to be granted to them. The convicts do not have the capacity to pay compensation to the legal heirs of circumstances. It has also been further held that death sentence should not be



awarded except in rarest of rare cases when the alternative option is available.

11. Arguments and the rival contentions on behalf of all the convicts and State have been considered thoroughly. In the present case the aggravating circumstances have outweighed the mitigating circumstances but still the present case does not fall within the purview of rarest of rare doctrine.

12. In view of facts and circumstances of the case, submissions of the Ld. Defence counsels for the convicts and Ld. Addl. PP for the State, convicts namely Mohd. Waseem @ Bhura, Mohd. Shadab, Mohd. Atif Malik @ Lala & Saleemuddin @ Salim are hereby sentenced to undergo imprisonment for life with fine of Rs. 5,000/- (each) for the offence punishable under Section 302/34 IPC for commission of murder of deceased Shahnawaz. In case of default to pay fine, the convicts shall undergo simple imprisonment of two months.

13. Benefit of Section 428 Cr.P.C. shall be given to all the convicts for the period already undergone by them during the trial.

14. Grant of compensation is an important component of the order on sentence. As per Section 2(wa) of Cr.P.C., victim means a person who has suffered any loss or injury caused by the reason deceased Shahnawaz. Accordingly, in view of the facts and circumstances of the case and submissions made, let the present case be sent to Ld. Secretary, DLSA, Central District, THC, Delhi for determination and award of adequate compensation to the legal heirs of deceased Shahnawaz under Sec. 357A Cr.P.C.”

13. The appeals against the impugned judgment were filed on behalf of the Appellants, and on 14th October, 2025, the appeals were admitted. Vide



order dated 19th December, 2025 the Predecessor Bench had granted interim suspension of sentence from 01st January, 2026 to 31st January, 2026, in CRL.A. 1427/2025, on account of advance stage of pregnancy of the wife of the concerned accused. The relevant portion of order dated 19th December, 2025 is reproduced hereinbelow:

"7. Keeping in mind the overall facts and circumstances, particularly the advanced stage of pregnancy of the appellant's wife and the absence of immediate family support, and considering the present application on humanitarian grounds, the appellant is granted interim suspension of sentence from 01.01.2026 to 31.01.2026, on his furnishing a personal bond in the sum of ₹25,000/-, with one surety of the like amount, one of whom shall be a close family member of the appellant, to the satisfaction of the learned Trial Court/CMM/Duty Magistrate, subject to the following conditions:-

(i) Appellant shall surrender his passport, if any, before the learned Trial Court. In case he does not possess a passport, he shall so state before the learned Trial Court by way of an affidavit.

(ii) Appellant shall provide his residential address, contact details and mobile numbers to the learned Trial Court.

(iii) Appellant shall not indulge in any criminal activity and shall no communicate with or come in contact with victim or her family, directly or indirectly.

(iv) Appellant shall also, along with bonds, file an affidavit stating about his clean antecedents and no involvement in any other criminal case.

8. The appellant shall surrender in jail on 31.01.2026 by 5.00 PM.

9. The present application, accordingly, stands disposed of.

10. A copy of this Order be immediately sent to the learned Trial Court and



Jail Superintendent for information and necessary compliance."

SUBMISSIONS MADE BY THE APPELLANTS

- i. Ld. Senior Counsel appearing for Shadab, the Appellant in CRL.A. 1427/2025, submits that the evidence on record, particularly the medical evidence tendered by the doctor from MAMC Hospital, clearly shows that the deceased was suffering from a serious coronary condition, with about 80% blockage in the arteries. It is submitted that there was no external injury or fracture on the body of the deceased, nor was any vital part injured. Even the post-mortem report records that the deceased had gone into shock, which may have caused the death.
- ii. It is further contended that the incident was at best a case of road rage, which occurred suddenly, in the spur of the moment and in a fit of anger, and that none of the accused had any intention to kill the deceased. Ld Senior Counsel also submits that no weapon of offence has been recovered in the present case.
- iii. Attention of this Court is further drawn to the fact that the place of incident was situated barely 100 metres from a police chowki, and despite the presence of the brother and other relatives of the deceased at the spot, no attempt was made either to stop the incident or to immediately take the deceased to the hospital, which renders the prosecution version doubtful.
- iv. It is further submitted that the eyewitnesses examined by the prosecution are all related to the deceased, and their testimonies do not inspire confidence. There is no prior animosity between the parties. The post-mortem report itself shows that the deceased had an enlarged heart,



weighing about 400 grams, with complete blockage in the coronary arteries, thereby strengthening the submission that the deceased died due to a heart attack and not due to the alleged injuries.

SUBMISSIONS MADE BY RESPONDENT

- i. On the hand, Mr. Bahri, ld. APP submits that although the incident arose out of a case of road rage, the manner in which the injuries were inflicted upon the deceased clearly shows that the accused subjected him to a merciless beating, which ultimately resulted in his death.
- ii. Ld. Counsel further submits that there are sufficient eyewitnesses on record to support the conviction and, in any event, the case would, at the highest, fall within the ambit of Section 304 IPC.

FINDINGS AND ANALYSIS

14. We have heard ld. Counsels for the Appellants and the ld. APP for the State. The issue for consideration is whether the case of the Appellants has been rightly covered under Section 302 of the IPC.

15. A perusal of the evidence would reveal that the incident in question arose out of a sudden road rage altercation. The evidence on record establishes that the incident arose out of a unpredicted quarrel triggered by a minor traffic mishap. There is no material to indicate any prior animosity or pre-planning. The assault, as described by the prosecution witnesses themselves, was by fist and leg blows. No weapon of offence has been used or recovered.

16. The statements of PW-7 and PW-9, insofar as they claim to have reached the spot while independently proceeding to a baraat and a party respectively, appear improbable and raise doubts as to their natural presence



at the scene of occurrence, and therefore, cannot be relied upon without corroboration.

17. It is apposite to refer to the post-mortem report of the deceased. The post-mortem report of the deceased mentions that there were internal as well as external injuries. There were injuries on the head with internal bleeding under the scalp, which indicate blunt force trauma to the head, as mentioned in the post-mortem report. Injury Nos. 5 and 6, as mentioned in the post-mortem report, correspond to the internal injuries. Furthermore, in the abdominal region, the liver had sustained grievous injury. This is sufficient to conclude that the injuries suffered by the deceased were grievous in nature and were, to some extent, life-endangering. The relevant extract whereof is quoted hereinbelow:

“EXTERNAL EXAMINATION”

5. *A reddish contusion measuring 2.5 cm × 1.4 cm was present on the occipital region of the scalp, situated just to the left of the occipital protuberance.*
6. *A reddish contusion measuring 1 cm × 0.8 cm was present on the left parietal eminence.*

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X. INTERNAL EXAMINATION

A) Head:

The scalp showed extravasation of blood in areas measuring 2.2 cm × 1.4 cm and 1 cm × 0.5 cm, corresponding to injury Nos. 5 and 6, respectively. The brain weighed 1316 grams. Subarachnoid haemorrhage was present over the right parietal region. The brain was found to be oedematous, with flattening of gyri and obliteration of sulci.

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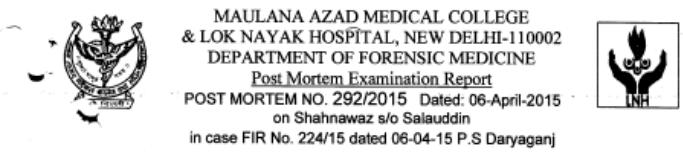
D) Abdomen

Liver weight was 1240 grams. Lacerations measuring 2 cm and 1.8 cm in length were present on the anterior



surface of the left lobe of the liver, with subcapsular bleeding over areas measuring 5 cm x 3.5 cm and 6 cm x 4.5 cm respectively, each containing about 5 ml of blood. On cut section, the surface lacerations were found to extend into the parenchyma, with disruption of the parenchyma of the entire left lobe and the adjacent part of the right lobe, involving about 30% of the liver, with the presence of bleeding amounting to approximately 150 ml.”

18. At the same time, this Court cannot lose sight of the findings in the very same post-mortem report concerning the condition of the heart. The report clearly records the presence of pre-existing cardiac disease. The heart was enlarged, and the right coronary artery showed 100% blockage. The relevant portion has been extracted hereinbelow:



grams; subarachnoid haemorrhage was present over the right parietal region. Brain was found to be oedematous with flattening of gyri and obliteration of sulci.

B) Neck

On layer dissection, skin and subcutaneous tissues were unremarkable. No extravasation of blood was present. Hyoid bone and thyroid Cartilage showed no fractures. Pharynx, Larynx, Trachea and Oesophagus were unremarkable. Vessels were grossly normal in appearance.

C) Chest

Collar Bone, Sternum and Ribs showed no fractures.

Lungs: Weights were 308 grams and 354 grams of the right and left lung respectively. Both the lungs were congested. On cut section, frothy fluid exuded out on mild compression.

Heart: The pericardial sac contained about 10 ml of straw colored fluid. Heart weight was 396 grams, enlarged. The coronaries were hard and calcified, gritty to cut throughout its course involved with atherosclerosis showing blockage of lumen due to atherosclerotic plaques. The lumen of left anterior descending artery showed about 80% blockage at the proximal 5 cm segment from the ostia, distal segment showed more than 40% patency. The lumen of right coronary artery showed about 100% blockage at the proximal 3 cm segment of its origin from ostia, distal segment showed more than 60% patency. Lumen of left circumflex artery showed more than 80% patency throughout its course. Thickness of myocardium of left ventricular wall was 2 cm, thickness of right ventricular wall was 0.8 cm and thickness of interventricular septum was 0.2 cm. Valves were grossly unremarkable; no vegetations or any other evidence of endocarditis were present. Thoracic Vessels and Diaphragm were grossly unremarkable.



19. During her testimony, PW-10, Dr. Jyoti Barwa, Assistant Professor, Department of Forensic Medicine, who conducted the post-mortem examination on the dead body of the deceased Shahnawaj, deposed that the deceased was already suffering from heart disease with significant coronary blockage, and that a person with such blockage is at a higher risk of suffering a heart attack. The relevant portion has been extracted hereinbelow:

It is correct that when a patient is brought to the Emergency, the attending doctor observes most of the external injuries found on the body of the patient and the same are reflected in the MLC. It is correct that I have not mentioned in my post-mortem report Ex. PW10/A that the external or internal injuries reflected between points A to A and B to B were either sufficient to cause death or were likely to cause death. It is correct that the deceased was having 80% blockage in the left anterior artery and 100% blockage in the lumen of the right coronary artery. It is correct that once a person has this kind of blockage in the arteries of the heart, he/she is a high-risk case for a heart attack. Volunteered: even a lesser percentage of blockage of the arteries can be subject to a heart attack, and it is also a known fact that patients with 100% blockage can survive due to the development of collateral circulation.

It is correct that during the post-mortem conducted in this case, I did not observe any development of collateral circulation of blood. Again said, it is not possible to observe this during post-mortem examination. Volunteered: I preserved the tissues for obtaining the histopathological report. The normal weight of the human heart is between 250 grams to 300 grams, depending upon the build of the person. It is correct that in this case, I found that the heart of the deceased was enlarged, weighing about 400 grams. It



is correct that during the post-mortem examination, I found that the coronaries of the heart were hard and calcified, gritty throughout their course, with atherosclerosis showing blockage of the lumen, which means that there were deposits known as plaques throughout the arteries of the heart, blocking the supply of blood to the heart. It is correct that in the histopathological report it is recorded that the coronary vessels showed complex atheromatous plaques with evidence of focal revascularisation, recanalisation, medial calcification and patency, which means that the deceased had earlier suffered from a heart attack and was in the healing process. Volunteered: this also implies that the patient had not suffered any acute ischaemic episode. It is correct that the deceased had also earlier suffered a heart attack.

20. These findings clearly show that the deceased was suffering from severe and advanced coronary artery disease, which made him highly vulnerable to cardiac failure or shock, especially during physical exertion or emotional stress. The death, therefore, cannot be attributed solely to the assault, as the pre-existing cardiac condition was a substantial contributing factor. The medical evidence, therefore, weakens the direct causal link between the blunt force injuries and the death, since it cannot be conclusively established that the injuries, by themselves, were sufficient to cause death in the ordinary course of nature.

21. For a conviction under Section 302 IPC, two essential ingredients are required to be proved, namely *mens rea* (intention) and *actus reus* (the act done). The facts and circumstances of the present case do not satisfy the test of murder, as the Appellants did not have the intention to cause the death of the deceased. No weapon was used, nor any recovery effected of any



weapon. The whole incident shows that it was a spur of the moment occurrence, as the motorcycle of the deceased touched the car of the accused persons, and in a fit of anger they started beating the deceased without even having an iota of intention or any inkling that he had a heart condition or that this may lead to his death. Furthermore, the medical record clearly shows that the deceased was already suffering from a serious pre-existing heart condition. In these circumstances, the acts attributed to the Appellants cannot be said to be sufficient, by itself, to cause the death of the deceased in the ordinary course of nature or any acts of the appellants done with an intention to cause death. Consequently, the essential ingredients of Section 302 IPC are not made out. The aforesaid legal position has been unequivocally reiterated by the Supreme Court in *Maniklal Sahu v. State of Chhattisgarh, 2025 SCC OnLine SC 1960*. The relevant portion has been reproduced hereinbelow:

“26. To come within the definition of Section 299 IPC, the act of the accused should cause death and it must be (a) with the intention of causing death, or (b) with the intention of causing such bodily injuries as is likely to cause death, or (c) with the knowledge that he is likely by such act to cause death. The question when a person could be said to have caused death by his act needs to be answered taking into consideration the Explanations 1 and 2 respectively to Section 299 of the IPC.

27. The simpler case is where death results directly and immediately from the act itself. Equally, when death ensues as a natural or necessary consequence flowing from that act, there can be no hesitation in holding that the act caused the death. For “Thirdly” of Section 300 to apply the requirement is, that the injury



inflicted should be found sufficient in the ordinary course of nature to cause death, a high degree of probability, in the ordinary way of nature, that death would ensue on the injuries. The difficulty arises when there are recognisable contributory causes leading to death, and the Court is called upon to consider in such case the relative effect and strength of the different causes in bringing about the effect i.e., the death, and then to ascertain whether the responsibility of the death could be assigned to a particular act which is not as proximate, or immediate.”

22. The case of the Appellants would also not fall within the ambit of Section 304 IPC. As reiterated by the Supreme Court on several occasions, the applicability of Section 304 depends upon the presence of intention or knowledge in relation to causing death. Keeping the settled principles in mind, the present case does not attract liability under Section 304 IPC, having regard to the nature of the injuries, the absence of any weapon, and the pre-existing medical condition of the deceased. This Court may refers to the decision of the Supreme Court in *Nandkumar v. State of Gujarat, 2025 SCC OnLine SC 2374*, wherein it has been reiterated that for an offence to fall within Section 304, there must be either an intention to cause such bodily injury as is likely to cause death, or at least knowledge that the act was likely to cause death. The relevant paragraphs are extracted hereinbelow:

“5.7. In other words, where the two ingredients namely that the infliction of bodily injury on deceased was caused intentionally and secondly that it was sufficient to cause death in the ordinary course of nature, are satisfied, the offence would amount to murder. There may be circumstances which may emerge from the facts



and evidence of a given case that the offence becomes 'culpable homicide not amounting to murder'.

5.8. In *Virsa Singh v. State of Punjab*² and further in *Shankar Narayan Bhadolkar v. State of Maharashtra*³, this Court stated that divided into two Parts, Section 304, IPC deals with the situations where 'culpable homicide' would not be a murder. The conceptualisation of the 'culpable homicide not amounting to murder' were explained in the following way, as quoted in para 4 of the *Kesar Singh*⁴,

"If an injury is inflicted with the knowledge and intention that it is likely to cause death, but with no intention to cause death the offence would fall within the definition of Section 304 Part I, however, if there is no intention to cause such an injury, but there is knowledge that such an injury can cause death, the offence would fall within the definition of Section 304 Part II. Thus, is intention. If intention to cause such an injury as is likely to cause death, is established, the offence would fall under Part I but where no such intention is established and only knowledge that the injury is likely to cause death, it would fall under Part II."

23. As observed by the Supreme Court in *Sompal Singh v. State of U.P.*, (2014) 7 SCC 316, there exists a very thin and subtle line of demarcation between 'hurt which endangers life' and an 'injury which is likely to cause death'. Consequently, in cases where death ensues, it often becomes difficult to determine whether the accused is liable under Section 325 IPC for causing grievous hurt or under Section 304 IPC for culpable homicide not amounting to murder.

24. In the present case, however, keeping in view the fact that no lethal weapon was used, the Appellants had no knowledge of the deceased's pre-



existing medical condition, and there was no intention to cause death, the essential ingredients required to attract liability under Section 304 IPC are not made out. The case, therefore, stands clearly outside the ambit of Section 304 IPC.

25. The case of the Appellants would in fact be covered by the decision of the Supreme Court in *Mayandi v. State, (2010) 11 SCC 774*. In the said case, the deceased was attacked with a sickle and sustained several injuries, and subsequently died. The Supreme Court set aside the conviction of the Appellants under Section 302 IPC and altered the conviction to one under Section 326 IPC, holding that the deceased was suffering from a serious heart ailment which was not within the knowledge of the Appellants, and that the medical evidence revealed that the deceased had earlier undergone angioplasty and had suffered a heart attack.

“7. PW 13 also noted that the deceased had died due to complications arising out of myocardial infarction and admitted that in the post-mortem report there was no suggestion that the death was a result of the injuries.

The learned counsel has also brought to our notice the death summary (Ext. P-8) which had been recorded in Apollo Hospital by the attending doctor (PW 8) who stated that as the deceased had lost a great deal of blood as the blood vessels had been cut and complications had arisen on account of his age (which was about 70 years) and was already a heart patient, the cause of death was:

“Coronary artery disease.—Acute coronary syndrome, post coronary revascularisation status, practical post, coronary artery bypass and post-stent. Post-hand surgery status and diabetes



mellitus. Since he was already having heart disease, bypass surgery had been done to him. Afterwards heart trouble had occurred to him.”

9. Keeping in mind the said facts the High Court observed that:

“In view of the above categorical evidence of PW 8 and PW 13, we are of the considered view that though it had been stated in the post-mortem report that the death was due to the complications of myocardial infarction, such complication is directly attributed to the injuries inflicted by the accused which resulted in interruption of the free flow of the blood not only to the various vital organs but also the heart and therefore the contention of the learned Senior Counsel for the accused is liable to be rejected and accordingly the same is rejected.”

10. We have considered the reasons given by the High Court and also considered the evidence abovereferred. It is the admitted fact that the doctors have not opined that the death was caused due to the injuries caused by the appellant. There is also no evidence to show that the injuries could have independently caused the death of the deceased even if the deceased had not been suffering from a heart problem. It is also the conceded position that the deceased had a serious heart problem which was a matter not within the appellant's knowledge and on the contrary the medical evidence reveals that he had undergone an angioplasty but had nevertheless suffered a heart attack thereafter.

11. In this background the High Court's assertion that the death was occasioned by complications on account of the injuries caused by the appellant is not quite accurate. We are, therefore, of the opinion that the case would fall within Section



326 IPC and not under Section 302 thereof.

12. Mr R. Sundaravardan's argument that this matter would nevertheless fall within Section 304 Part I or Part II IPC, is also rejected as there was no intention on the part of the appellant to cause the death of the deceased nor could he be attributed with the knowledge that death would be caused.

13. We accordingly partly allow this appeal, set aside the acquittal and conviction of the appellant for the offence under Section 302 IPC, and alter his conviction to one under Section 326 IPC and award a sentence of 10 years' RI and a fine of Rs. 5000 and in default thereof, six months' RI. The sentence under the other provisions of IPC is maintained. The appeal is allowed in the above terms.”

26. At this stage, the Court deems it appropriate to refer to Section 320 IPC, which is reproduced hereinbelow:

“S.320- The following kinds of hurt only are designated as “grievous”:

1. *Emasculation.*
2. *Permanent privation of the sight of either eye.*
3. *Permanent privation of the hearing of either ear.*
4. *Privation of any member or joint.*
5. *Destruction or permanent impairing of the powers of any member or joint.*
6. *Permanent disfigurement of the head or face.*
7. *Fracture or dislocation of a bone or tooth.*
8. **Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits.”**

27. Applying Section 320(8) IPC to the facts of the present case, this



Court finds that the injuries suffered by the deceased clearly fall within the category of '*hurt which endangers life.*' The post-mortem report records subarachnoid haemorrhage consequent to blunt force trauma to the head, along with extensive laceration of the liver involving approximately 30% of the organ and internal bleeding of about 150 ml. The liver and brain are vital organs, and injuries to such organs, accompanied by internal haemorrhage and shock, are inherently life-endangering in nature. Even though no fracture was detected, the presence of internal bleeding, cerebral haemorrhage, and disruption of hepatic parenchyma establishes that the hurt caused was not superficial or simple, but one which endangered life within the meaning of Section 320(8) IPC. The medical evidence, therefore, supports the conclusion that the injuries suffered by the deceased constituted grievous hurt in law under Section 320(8) IPC, irrespective of the existence of any pre-existing cardiac condition.

28. From a perusal of the Nominal Roll, it emerges that the Appellants have already undergone nearly three years of incarceration. The same as per the latest nominal roll are as under:

S. No.	Appeal no.	Name of Appellant	Date of Nominal Roll	Period served.
1.	CRL.A. 1427/2025	Mohd. Shadab	1 st January, 2026	3 years, 8 months, 15 days.
2.	CRL.A. 1497/2025	Mohd. Waseem@Bhura	2 nd January, 2026	3 years, 9 months, 26 days.
3.	CRL.A. 1499/2025	Saleemuddin@Salim	1 st January, 2026	3 years, 8 months, 18 days.
4.	CRL.A. 1512/2025	Mohd. Atif Malik@Lala	29 th December, 2025	3 years, 10 months, 2 days.



29. The maximum punishment prescribed for the offence of voluntarily causing grievous hurt under Section 325 of the IPC extends up to seven years.

CONCLUSION

30. Accordingly, the conviction of the Appellants under Section 302 read with Section 34 IPC stands set aside and is converted into one under 325 IPC read with Section 34 IPC.

31. The Appellants are sentenced to undergo the period of imprisonment already undergone by them. They shall be released forthwith, if not required in any other case.

32. The bail bonds and surety bonds furnished by the Appellants shall stand discharged. Pending applications, if any, also stand disposed of.

33. Copy of this order be sent to the Jail Superintendent, for information and compliance.

MADHU JAIN
JUDGE

PRATHIBA M. SINGH
JUDGE

FEBRUARY 9, 2026/ys/rm