

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

% *Judgment Reserved on: September 02, 2014*
Judgment Delivered on: September 08, 2014

+ **CRL.A. 705/2013**

VIJAY @ MONTI Appellant
Represented by: Mr.Vivek Sood, Ms.Jahnavi
Mahana, Mr.Jaideep Tandan
and Mr.Prem Prakash,
Advocates.

versus

STATE GNCT OF DELHI Respondent
Represented by: Mr.Varun Goswami, APP for
the State with SI Uma Datt, PS
Mangol Puri.

AND

+ **CRL.A. 976/2013**

VIJAY KUMAR @ MANNU Appellant
Represented by: Ms. Inderjeet Sidhu, Advocate.

versus

STATE Respondent
Represented by: Mr.Varun Goswami, APP for
the State with SI Uma Datt, PS
Mangol Puri.

CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG
HON'BLE MS. JUSTICE MUKTA GUPTA

MUKTA GUPTA, J.

1. Vijay Kumar @ Monti and Vijay Kumar @ Mannu (hereinafter referred to as 'Monti' and 'Mannu') challenge the judgment dated February

25, 2013 convicting them for offence punishable under Sections 364A/34 IPC, 302/34 IPC and 201/34 IPC and the order on sentence dated February 28, 2013 directing them to undergo sentence of imprisonment for life for offences punishable under Sections 364A/34 IPC and 302/34 IPC and a fine of ₹5,000/- and in default of payment of fine to undergo simple imprisonment for five years on each count. For offence punishable under Sections 201/34 IPC they have been directed to undergo imprisonment for a period of seven years and a fine of ₹5,000/- and in default of payment of fine to undergo simple imprisonment for a period of 1½ year.

2. Monti and Mannu assail the judgment on the ground that it is highly doubtful that the place of occurrence was B-19, Dilshad Colony, Delhi. The Crime Team which visited the room at Dilshad Colony on October 22, 2006 found nothing incriminating however, two days later the Investigating Officer allegedly found blood in the said room. Though it is stated that Inspector Azad Singh took the photographs showing the blood present in the room at Dilshad Colony however, no photographs were produced. The rent deed Ex.PW-8/A relied upon by the prosecution to show that the premises was rented out to Mannu is not signed by him and thus not incriminating towards him. There is no proper identification that the phone recovered from Mannu belonged to the deceased. Even as per the prosecution case the phone was in the name of one Satish Kumar Bansal and thus not connected with the deceased. It is highly unlikely that Monti would retain his blood stained jacket and Mannu will retain part of the broken knife at his house. The appellants have been falsely implicated in a blind murder case and thus they be acquitted.

3. No defence evidence has been led by Mannu however, Monti has

examined his father as DW-1 who stated that on October 21, 2006 on the day of festival of Diwali after pooja at about 11.00/11.15 PM police officials knocked their door and took away his son Vijay @ Monti forcibly who was sleeping in the house. They also took away one motorcycle from the courtyard of their house. On the next day the police officials had brought Monti to the house from Police Station Mangolpuri and asked him to provide warm clothes for Monti as he was not wearing warm clothes to which he told the police officials that the weather was not so cold and why they were asking for the jacket. On the request of police officials he handed over a jacket of his son to them and after three months he got to know that the jacket was planted on his son Vijay @ Monti. In his statement under Section 313 Cr.P.C. Monti pleads false implication and that no offence was committed by him, he had no concern with the present case and all recoveries were falsely shown on him. Mannu also pleaded false implication and that recoveries were falsely shown on him.

4. The learned Trial Court held that the following circumstances were proved against Monti and Mannu by the prosecution beyond reasonable doubt which complete the chain of evidence:

“i. that from the depositions of PW1 Jaswant Singh, PW2 Sanjay Kumar and PW3 Bhura Singh, it has been proved that Anil had left his house on 19/10/2006 for his sister’s house at Mangol Puri and stayed there in the night. On the next day, he received phone call on his mobile phone and left his sister’s house at about 10 a.m. From the call details of mobile phone of Anil Ex.PW16/F, it has also been proved that he remained in contact of accused Vijay @ Monti on mobile phone.

ii. that accused Anil had also told to PW1 Jaswant Singh in his house in the morning of 20/10/2006 about receiving a call

from accused Vijay @ Mannu, who was giving a party on the eve of purchase of new motorcycle.

iii. that accused Vijay @ Monti made ransom calls on the mobile phone of PW3 Bhura Singh at various intervals on 21/10/2006, as per call details Ex.PW16/F, by using the SIM card of Anil in his mobile phone, which was recovered from his possession.

iv. that PW4 Praveen Sagarnath pointed out the house of accused Vijay @ Monti on 22/10/2006 and also he received a call from Anil on 20/10/2006, who informed him that he was having a party with accused Vijay @ Monti and Vijay @ Mannu.

v. from the depositions of the witnesses, it has been proved that accused Vijay @ Monti was arrested on 22/10/2006 and he got recovered one mobile phone, which was taken into possession in this case. Accused Vijay @ Monti was having mobile No.9810602127 and PW-16 R.K.Singh has proved the application form and DL of accused Vijay @ Monti, on the basis of which, he had obtained this mobile number and in the handset of his mobile phone, he made ransom calls by inserting the SIM card of mobile phone of deceased Anil on 21/10/2006.

vi. that from the depositions of the witnesses, it has been proved that accused Vijay @ Monti was known to the family of deceased Anil and PW4 Praveen Sagarnath.

vii. that after his arrest, accused Vijay @ Monti made disclosure statement Ex.PW20/C and in furtherance of the same, pointed out the place, where dead body of Anil was thrown i.e. Hindan River Pushta and according to PW7 Anil Kumar, PW29 Mohd. Hussain Kazmi, PW14 SI Shailender Singh and PW11 Ct. Naresh Pal, dead body was recovered on 21/10/2006 from there and the same was removed to mortuary of District Hospital, Ghaziabad.

viii. *that at the time of pointing out of place of throwing of the dead body by accused Vijay @ Monti, police party came to know about the recovery of dead body one day prior from the same place by UP police officials, so, the dead body was also identified in the mortuary by PW1 Jaswant Singh, PW2 Sanjay Kumar and PW3 Bhura Singh as the same of deceased Anil.*

ix. *that during the custody of accused Vijay @ Monti, again the police party came back to Hindan River Pushta and from there, again accused Vijay @ Monti led the police party to his house and got recovered one mobile phone make Nokia without SIM, which was taken into possession in this case. He also got recovered one blood stained jacket, which after examination from the FSLO, was found having human blood of "B" group i.e. similar to blood group of deceased Anil.*

x. *that thereafter, accused Vijay @ Monti led the police party to the house of co-accused Vijay @ Mannu and on his pointing, accused Vijay @ Mannu was arrested, who also got recovered one mobile phone make Nokia stated to be of deceased Anil. From the deposition of PW9 S.K. Gulati, prosecution has been able to prove that this mobile phone recovered from the possession of accused Vijay @ Mannu was sold to deceased Anil on 11/02/2006.*

xi. *that accused Vijay @ Mannu got recovered one light grey pant and one blood stained broken knife in the shape of ustara. According to FSL reports, the light grey colour pant was found having human blood of "B" group, which was of deceased Anil. According to FSL report, the broken piece of ustara with handle was part of the another broken piece of ustara, which was found in one of the injury of deceased Anil during post-mortem.*

xii. *that both the articles were sealed and seized according to the recovery memo and were sent to FSL and were examined by FSL officials, whose testimonies are unrebutted and*

unshaken regarding their examination.

xiii. that the place, where the dead body was thrown was not within the knowledge of either complainant or police party and was firstly pointed out by accused Vijay @ Monti during police custody and thereafter by accused Vijay @ Mannu.

xiv. that Anil died due to the injuries caused with said ustara type knife and injuries No.1 and 2 were sufficient to cause death in ordinary course of nature. The broken piece of knife/ustara was recovered from injury No.2.

xv. that according to post-mortem report, Anil died at about 3.00 p.m. on 20/10/2006, which is further corroborated with the call details of mobile phone of Anil Ex.PW16/F, which shows that the SIM card of his mobile phone was working till 3.13 p.m. on 20/10/2006.

5. FIR No.780/2006 was registered under Section 364A IPC on the complaint Ex.PW-12/A of Sanjay on October 21, 2006 at PS Mangol Puri as per which his brother Anil aged about 17 years had gone to the house of his sister Hemlata on October 19, 2006. On October 20, 2006 in the morning at 10.00 AM his brother had left for Mangol Puri to come to the house, however he had not reached till then. On that day at about 12.02 PM from mobile phone of his brother 9910454946 a call was received on the mobile phone of his father No. 9210106792 stating that Anil was in their custody and they should arrange 10 lakh rupees. The caller informed that he would later inform where the money has to be given. They also threatened that in case information was given to Police, Anil will be killed.

6. Since investigation of the case was handed over to SI Joginder Singh PW-28, PS Mangol Puri, he visited the house of the brother-in-law of Sanjay and recorded his statement. He also recorded the statement of Bhura Singh,

the father of Sanjay and deceased, however could get no clue. On October 22, 2006 he went to Nand Nagri where Sanjay met him and he disclosed about a friend Praveen of Anil. Praveen informed them that he had a talk with Anil on mobile phone who disclosed that he would go to the house of Vijay @ Monti for a party, and thus they went to the house of Vijay @ Monti at B2/233 Phase I, Harsh Vihar, Delhi. There they met Vijay @ Monti, who on interrogation confessed the murder of Anil and also revealed about the involvement of his associates. Vijay @ Monti was arrested and his disclosure statement was recorded. Vijay @ Monti led the police party to Hindon River Pusta near Meer Farm House and pointed out the place where they had thrown the dead body of Anil. At the spot, it was revealed that an unknown dead body was recovered on October 21, 2006 and was taken by local police of Ghaziabad. Thus, they went to police post Hindon and it was revealed that on October 21, 2006 one Anil S/o Kundan Singh came to police chowki Hindon and informed that he seen a dead body lying near Hindon Pushta near Railway Bridge. The body which was kept in the mortuary as unknown was identified by the complainant and his father. PW-14 SI Shailender Singh Yadav, Who was then posted at police chowki Hindon of PS Sahibabad, UP deposed these facts and exhibited panchnamas prepared and the recoveries made. Pursuant to the disclosure of Monti even Mannu was arrested. The crime team visited both the places i.e. where the dead body was thrown and premises No. B-19, Dilshad Colony which rented out to Mannu where Anil was allegedly murdered. Pursuant to the disclosure statement of Mannu one broken piece of Ustara, a motorcycle No. UP-14Z-6671, one mobile phone make Nokia, certain clothes with the help of which blood stains were removed and one pant in which an open Ustara

was found to be kept were recovered. Pursuant to the disclosure statement of Monti, motorcycle No.DL-7SAG-6827, one mobile phone make Nokia bearing No.9810602127, one Jacket which was blood stained were recovered. The case of the prosecution is thus based on circumstantial evidence.

7. Dr.M.M.Aggarwal conducted the post-mortem examination on the body of Anil Singh, son of Bhura Singh and exhibited his report as Ex.PW-21/A. He noticed the following external injuries:

“On external examination, I found that it was thick built body, rigor mortis passed off from the body. I observed the following antimortem injuries:

1) Incised wound 8 c.m. x .1 c.m. x muscle deep on front of neck horizontally.

2) Incised wound 3 c.m. x .5 c.m. x bone deep on left side of neck. On dissection, big vessels cut through and through on left side damaging aorta. Half piece of knife recovered from the wound.

3) Contusion 14 c.m x 5 c.m. on back and middle of back.”

8. Dr.M.M.Aggarwal opined the cause of death was shock and haemorrhage as a result of ante mortem injuries noted above. Time since death was about 2-3 days. Ante mortem injuries No.1 and 2 were sufficient to cause death in the ordinary course of nature. He recovered a piece of knife from inside injury No.2. He identified the piece of knife Ex.P24 and opined that the injury No.1 was possible with the portion of the blade of knife which was recovered inside from injury No.2. Half portion of the knife recovered at the instance of Mannu was sent to FSL and as per the FSL

report Ex.PW-31/A, the handle of the knife with broken blade recovered at the instance of Mannu Ex.9 and broken blade of knife embedded in the abdomen of the deceased Ex.13 were physically and under magnification examined. They were found to be physically fitted when placed in Juxta position which indicates that the Ex.13 and Ex.9 were parts of one knife. Shri Parshuram Singh, Senior Scientific Officer PW-31 appeared in the witness box and despite opportunity he was not cross-examined. Hence his opinion with regard to Ex.9 being the other part of Ex.13 has remained unchallenged.

9. Besides Monti and Mannu, Azim Mian, Chander Kant @ Summit Pathak and Mohd. Nayed were also arrested, however they have been acquitted by granting them benefit of doubt and hence we need not to delve into their role in the absence of any appeal.

10. Mannu assails the finding that the said premises No.B-19, Dilshad Colony was rented out to him. In this regard the prosecution has examined Pankaj Kumar PW-10 owner of the property No.B-19, First floor, Dilshad Colony, Delhi. He deposed that he had rented out the said premises to Vijay Kumar S/o Pritam Singh, R/o Harsh Vihar, Phase-II, Ghaziabad, UP at a monthly rent of ₹3000/- on October 17, 2006 and a rent agreement in this regard was also executed. According to him he had been paid a sum of ₹3000/- as an advance rent and the premises was rented out to Vijay Kumar through Krishan Kumar. He identified the rent agreement already exhibited as Ex.PW-8/A and the rent receipt as Ex.PW-10/A which bore his signatures. He identified Mannu as Vijay Kumar S/o of Pritam Singh as the person to whom he rented out the premises on October 17, 2006. No doubt on the rent agreement Ex.PW-8/A signatures of Vijay Kumar @ Mannu

were not found present nor on the rent receipt Ex.PW-10/A though there is challenge to the rent agreement and the rent receipt, however in the cross-examination, there is no challenge to the oral testimony of Pankaj Kumar identifying Mannu as the person to whom he had rented out property No. B-19, First Floor, Dilshad Colony, Delhi.

11. Prosecution has also examined Yatinder PW-8 the attesting witness to the rent agreement Ex.PW-8/A who identified Mannu as the person to whom Pankaj Gupta had given his flat No.B-19, Dilshad Colony on rent in his presence. Again in cross-examination of this witness though there is challenge to the rent agreement but there is no challenge to the oral testimony of this witness that the premises were given on rent to Mannu. Thus, the prosecution has proved beyond reasonable doubt that premises No.B-19, Dilshad Colony, First Floor were given on rent to Mannu.

12. Mannu also assails the recovery of blood from premises No.B-19, Dilshad Colony and in our opinion the prosecution has failed to prove the recovery of blood from the said premises for the reasons noted hereinafter. The crime team had inspected the said premises on October 22, 2006. It clearly notes that no clue regarding murder was found there. Though the crime team notes that no clue was found, however PW-28 Inspector Joginder Singh deposed that when they reached the premises B-19, Dilshad Colony they found blood spot on the chair and the floor but the same could not be lifted. Inspector Joginder Singh further states that on October 28, 2006 they took the In-charge, FSL team Shri V.Shankar Naryanan to collect blood from the chair and the floor which was sealed and kept, however V.Shankar Naryanan PW-18 when appeared in the witness box did not depose about his visit to the spot and collecting the blood from the chair and

the floor. He only deposed with regard to the samples received in his office and the report qua their examination. Hence, we are not inclined to rely upon this evidence.

13. The most incriminating evidence against Monti and Mannu are the mobile phone call records. As per the prosecution, Monti removed the SIM card from mobile No.9910454946 which was used by the deceased and used the said SIM card on his handset with IMEI No.35252400430291 to make ransom call to the father of deceased at mobile No. 9210106792. Bhura Singh PW-3, father of deceased appeared in the witness box and deposed that on October 21, 2006 at about 12.00 PM he received a mobile call from the phone of the deceased 9910454956. The caller abused him and asked him to arrange ₹10 lakhs and disconnected the phone. The caller also informed him that his son was in his custody and would be released only after receiving the money. On October 21, 2006 at about 8.18 PM he again received a phone call from the phone of the deceased and a third call at 8.43 PM when the caller asked him to come behind Gagan Cinema situated in Sunder Nagri along with ₹10 lakhs. He reached Gagan Cinema and waited but could not find anybody. He recognized the voice of caller to be that of Monti, a friend of the deceased. The prosecution through the evidence of Bhura Singh PW-3 and his brother Sanjay Kumar have proved that mobile No. 9910454946 was being used by the deceased Anil.

14. S.K. Gulati PW-9 deposed that he was running a mobile shop at Shahdara and on February 11, 2006 sold a mobile phone make Nokia-7710 IMEI No. 355021001099651 to one Anil Kumar for a sum of ₹19,690/- and he also exhibited the bill in relation thereto. This witness has not been cross-examined.

15. From the phone call records produced by R.K. Singh PW-16, Nodal Officer, Bharti Airtel Ltd. it is also revealed that mobile No. 9910454946 of the deceased was being used on IMEI No. 355021001099651. Shri R.K. Singh also proved that mobile No. 9810602127 was in the name of Vijay Kumar Son of Ramesh Chand R/o C-1/101, Nand Nagri, Delhi. He also exhibited copy of the driving license given as ID proof by Vijay Kumar @ Monti for obtaining the said connection. The application form Ex.PW-16/A bore the signature of Vijay Kumar @ Monti and his photograph. R.K. Singh also exhibited computer generated call details record of mobile No. 9810602127 from October 18, 2006 to October 21, 2006. He deposed that the call details were in the format of Bharti Airtel Company Circle record which was maintained in the due course of business and were the true copy of the same. A perusal of Ex.PW-16/E call records of mobile No.9810602127 of Vijay Kumar @ Monti shows that this mobile was operational on handset No. 352524004230290. Further Ex.PW-16/F shows that mobile No.9910454946 was operational on handset No.355021001099650 till October 20, 2006. From October 21, 2006 mobile No. 9910454946 was operational on 352524004230290 that is the handset which was belonging to Vijay Kumar @ Monti Ex.PW-16/F also reflects that on October 21, 2006 calls were made from Mobile No. 9910454946 to 9210106792 the mobile phone number of Bhura Singh.

16. The evidence of PW-16 R.K.Singh has been challenged on the ground that he has not proved the call records in accordance with Section 65B of the Indian Evidence Act. Reliance is placed on 163 (2009) DLT 658 (DB) Rakesh Kumar & Ors. Vs. State. No doubt, this witness has not produced the certificate under Section 65B Indian Evidence Act, however while

deposing in the Court he has certified the computer generated documents to be from the record maintained in the due course of business and a true copy of the record maintained. The only objection raised during the examination of R.K. Singh was that the originals Ex.PW-16/E and Ex.PW-16/F have not been produced. This objection is wholly fallacious as the two documents itself note that they are system generated reports and each copy generated is a original copy. In Rakesh Kumar & Ors. this Court held that in the absence of a certificate under Section 65B(4) of the Evidence Act the testimonies of the concerned officers may also fulfil the conditions prescribed under Section 65B(2) of the Evidence Act which has been complied as noted above.

17. Thus from the evidence on record it is amply proved that from October 21, 2006 Monti was in possession of the SIM card of the deceased and had used the same to make calls to Bhura Singh, the father of the deceased. The prosecution by the evidence of ASI Laxman Singh PW-26 has further proved that the handset of the deceased bearing IMEI No. 355021001099651 was recovered from Mannu. As per Ex.PW-16/F handset with IMEI No.355021001099651 was being used by the deceased which fact has also been deposed by S.K. Gulati, PW-9.

18. At the instance of Monti his blood stained jacket was recovered and as per the FSL report human blood with 'B' group which was of the deceased was found on the jacket. Further, as already discussed above at the instance of Mannu the broken piece of knife, the remaining part of which was embedded in the body of the deceased, was recovered which according to the opinion of Shri Parshuram Singh, PW-31, was part of the same knife.

19. Learned counsel for the appellant has placed reliance on 2009 (2) JCC

1206 Kalloo Passi Vs. State. In Kalloo Passi this Court considered whether the circumstances of recovery of articles were sufficient to conclude the guilt of the appellant and held that mere recoveries of blood stained clothes, pieces of two daggers and a rehri at the instance of appellant therein do not lead to the conclusion that the appellant was the perpetrator of the crime. In the present case, out of the two pieces of dagger one was recovered from the body of the deceased and the other at the instance of Mannu and as per the expert opinion the two pieces of knife when put in juxtaposition showed that one was a part of the other. Further, besides blood stained jacket of the accused, the prosecution has also been able to prove beyond reasonable doubt that the mobile phone of the deceased with its SIM card came in possession of Monti and Mannu which was used by them. The prosecution having proved the possession of personal items of deceased with Monti and Mannu, the onus shifts on the appellants to prove how they came in possession of the mobile phone of the deceased soon before his death which onus they have failed to discharge. Thus, on the material evidence proved by the prosecution in this case, the same is clearly distinguishable from Kalloo Passi and we have no hesitation in upholding the conviction on the recoveries made in the present case as the same are connected by scientific evidence.

20. The last contention of learned counsel for the appellant Mannu is that since the appellants were charged for offences punishable under Sections 302/120B IPC, 364A/120B IPC and 201/120B IPC, they could not have been convicted for offences punishable under Sections 302/34 IPC, 364A/34 IPC and 201/34 IPC because the ingredients for offences under Section 120B IPC and 34 IPC are different. This contention is required to be

rejected as the issue has already been settled by the Supreme Court in the decision reported as (1954) 5 SCR 904 Karnail Singh & Anr. Vs. The State of Punjab wherein noting the difference between the scope of Section 149 IPC and Section 34 IPC the Supreme Court held:-

“ It is true that there is substantial difference between the two sections but as observed by Lord Sumner in Barendra Kumar Ghosh v. Emperor I.L.R. 52 Cal. 197”(P.C.), they also to some extent overlap and it is a question to be determined on the facts of each case whether the charge under section 149 overlaps the ground covered by section 34. If the common object which is the subject-matter of the charge under section 149 does not necessarily involve a common intention, then the substitution of section 34 for section 149 might result in prejudice to the accused and ought not therefore to be permitted. But if the facts to be proved and the evidence to be adduced with reference to the charge under section 149 would be the same if the charge were under section 34, then the failure to charge the accused under section 34 could not result in any prejudice and in such cases the substitution of section 34 for section 149 must be held to be a formal matter. We do not read the observations in Dalip Singh v. State of Punjab A.I.R 1953 S.C. 364 as an authority for the broad proposition that in law there could be no recourse to section 34 when the charge is only under section 149. Whether such recourse can be had or not must depend on the facts of each case. This is in accord with the view taken by this court in Lachhman Singh v. The State (1952) S.C.R. 839, where the substitution of section 34 for section 149 was upheld on the ground that the facts were such "that the accused could have been charged alternatively either under section 302 read with section 149, or under section 302 read with section 34."

21. Needless to say that both for criminal conspiracy under Section 120B IPC and Section 34 IPC the accused must share a common intention to commit an offence the only difference being for Section 120B IPC the intention must proceed to an agreement whereas under Section 34 IPC the

intention must be manifested by an overt act. Even in the decision reported as (2010) 10 SCC 259 Abdul Sayeed Vs. State of Madhya Pradesh the Supreme Court held that there was no bar in law on conviction of the accused with the aid of Section 34 IPC in place of Section 149 IPC if there is evidence on record to show that such accused shared a common intention to commit the crime and no apparent injustice or prejudice is shown to have been caused by application of Section 34 IPC in place of Section 149 IPC. It was further held that the absence of a charge under one or the other or the various heads of criminal liability for the offence cannot be said to be by itself prejudicial to the accused, and before the conviction for the substantive offence without a charge can be set aside, prejudice will have to be made out. Such a legal position is bound to be held good in view of the provisions of Sections 215, 216, 218, 221 and 464 of the Code of Criminal Procedure, 1973.

22. In the decision reported as (2011) 6 SCC 1 Satyavir Singh Rathi Vs. State through CBI it was noted that Section 120 B IPC is an offence and positive evidence on this score has to be produced for a successful prosecution whereas Section 34 IPC does not constitute an offence and is only a rule of evidence and inferences on the evidence can be drawn, as held in the decision reported as AIR 1952 SC 167 Lachhman Singh Vs. State.

23. Thus, the circumstances against Monti and Mannu noted by the learned Trial Court are proved beyond reasonable doubt. Consequently, the impugned judgment of conviction is upheld. As regards the order on sentence, we find that the learned Trial Court has provided a sentence of simple imprisonment for 5 years in default of payment of fine of ₹5000/- for offence punishable under Sections 364/34 and 302/34 IPC which to our

mind is excessive. Consequently, the sentence in default of payment of fine of ₹5000/- on both these counts is reduced to simple imprisonment for 5 months each and for offence punishable under Section 201/34 IPC the sentence in default of payment of fine is reduced to simple imprisonment for 2 months. The appeals are disposed of.

24. T.C.R. be returned.

25. Three copies of the judgment be sent to the Superintendent Central Jail Tihar one for his record and the other two to be handed over to the appellants.

(MUKTA GUPTA)
JUDGE

(PRADEEP NANDRAJOG)
JUDGE

SEPTEMBER 08, 2014
‘vn/ga’