



THE GAUHATI HIGH COURT AT GUWAHATI
(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)
PRINCIPAL SEAT AT GUWAHATI

Criminal Appeal (J) No.10/2023

SRI MUN BARMAN @ KALE .
C/O. SUK CHARAN BARMAN,
RESIDENT OF VILLAGE BORCHARA,
P.S. - BONGAIGAON,
DISTRICT - BONGAIGAON, ASSAM.

..... Appellant.

-Versus-

1. THE STATE OF ASSAM,
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM
2. SRI NRIPEN BARMAN
S/O LATE HARENDRA BARMAN
RESIDENT OF BOGULAMARI
P.S. - BONGAIGAON
DISTRICT - BONGAIGAON
ASSAM.

..... Respondents.

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

Advocates for the Appellant	:	Ms. Meghali Barman, Legal Aid Counsel
Advocate for the Respondents	:	Mr. D. Das, Addl. PP, Assam.

Date of Hearing :- 10.02.2023

Date of Order :- 08.11.2023.

JUDGMENT AND ORDER (CAV)

Heard Ms. Meghali Barman, learned Legal Aid Counsel for the appellant, and also heard Mr. D. Das, learned Addl. P.P. for the respondent.

2. In this appeal, under section 374(2) Cr.P.C. read with section, the appellant – Mun Barman @ Kale, has put to challenge the judgment and order, dated 14.03.2018, passed by the learned Sessions Judge, Bongaigaon, in Sessions Case No. 69 (BNG)/2017, under Section 302 IPC. It is to be noted here that vide impugned judgment and order, the learned court below has convicted the appellant under section 304-I IPC and sentenced him to suffer rigorous imprisonment for 10 years and also to pay a fine of Rs.5,000/-, with default stipulation.

3. The factual background, leading to filing of the present appeal, under section 374[2] of the Cr.P.C. is briefly stated as under:-

“On 03.03.2017, at around 11.30 am, the appellant had pick up quarrel with his wife Sarba Rani Barman, administered several blows upon her person with a piece of Sal wood, as a result she sustained serious injuries. Thereafter she was taken to Kokrajhar Civil Hospital from where she was referred to Guwahati. Then

she was taken back to her house and at around 10.30 pm she succumbed to the injuries.

Thereafter, on 04.03.2017, one Nripen Barman had lodged one FIR with the Bidyapur Police Out Post and on being forwarded the same to the Officer-In-Charge, Bongaigaon P.S. the Officer-In-Charge, Bongaigaon P.S. had registered a case being Bongaigaon P.S. Case No. 169/2017 under section 302 IPC and endorsed S.I. Prahlad Das to investigate the case. The I.O. then visited the place of occurrence, examined the witness and drawn up sketch map and held inquest upon the dead body of the deceased and sent the same thereafter, for postmortem examination and thereafter collected the P.M. Report and arrested the appellant and forwarded him to the court. Then on completion of investigation, the I.O. had laid charge sheet against the appellant to stand trial in the court under section 302 IPC.

Then the appellant was produced before the learned court below. Then the learned court below had appointed one K. Sarkar, Advocate, as legal Aid Counsel. Thereafter, hearing both sides, the learned court below had framed charge against the accused under section 302 IPC and on being read and explained over, the accused/appellant pleaded not guilty to the same.

Thereafter, the prosecution side has examined as many as 9 witnesses in support of its case. Then closing the prosecution evidence, the learned court below has examined the appellant under section 313 of the Cr.P.C. Thereafter, hearing both the

parties, the learned court below has convicted the appellant under Section 304-I IPC and sentenced him as aforesaid.

4. Being highly aggrieved and dissatisfied with the aforesaid judgment and order, the accused/appellant preferred this appeal, and contended to allow the same on the following grounds :-

- [i] That, the impugned judgment and order is not sustainable in law and liable to be set aside as the learned court below had failed to consider that there was no dispute between the deceased and the appellant;
- [ii] That, the learned court below had relied upon the evidence of P.W.2, 3 and 4 which are corroborative in nature, but P.W.2 has stated that she had not seen how the deceased sustained injury and who caused the same;
- [iii] That, the learned court below has ignored the plea of insanity of the appellant on the sole ground that under section 84 of the IPC the burden lies upon the person who pleaded the same, but the evidence of P.W.4 and 5 clearly deposed that the appellant was suffering from mental ailment. And in his statement under section 313 Cr.P.C. also the appellant had categorically stated that at the time of incident his brain did not work.
- [iv] That, the learned court below had failed to consider that the appellant has caused injury upon the deceased in the heat of passion upon a quarrel and that he had no intention to cause death of the deceased and as such it would come under exception 4 to section 300 IPC and on

such count the case would fall under section 304 -I IPC not under section 304-II IPC, but the learned court below had held the appellant guilty under section 304-II IPC which is against the principle of law and therefore it is liable to be set aside.

[v] That, the prosecution side has failed to establish the charge against the appellant beyond all reasonable doubt the appellant had the intention to kill the deceased or he had the knowledge of likelihood that the injuries caused would cause the death of the victim and therefore the impugned Judgment and order of conviction and sentence liable to be set aside and therefore, it is contended to allow the appeal.

5. Ms. Meghali Barma, learned legal aid counsel for the appellant, canvassed following point before this court for consideration:-

(i) There is no eye witness to the occurrence and the learned court below had relied up circumstantial evidence and that the circumstances so relied upon by the learned court below had failed form a chain so complete to point out the guilt of the appellant.

(ii) Though the appellant had not pleaded insanity directly, either in his statement under section 313 Cr.P.C. or adduced any evidence to establish the same, yet, the evidence of P.W.4 and 5, clearly indicates that the appellant was suffering from mental ailment and in his statement under section 313 Cr.P.C. also the

appellant had categorically stated that at the time of incident his brain did not work;

(iii) It was a sudden fight between husband and wife and that there was no dispute between them;

(iv) In the given facts and circumstances, the guilt of the appellant under section 304-I IPC cannot be said to be established beyond all reasonable doubt, instead it would come under section 304-II IPC and the learned court below failed to consider the same;

(v) The appellant had neither intention to kill his wife nor he had the knowledge that the injuries so caused would likely to cause death of the deceased.

These circumstances, according to Ms. Barman, have cast a serious doubt about the very sustainability of the impugned judgment and order, and therefore, Ms. Barman has contended to allow the appeal.

6. Per-contra, Mr. D. Das, the learned Addl. P.P. had supported the impugned judgment and order of conviction. Mr. Das submits that though there is no eye witness to the actual occurrence, yet, the circumstantial evidence, so brought on record are sufficient to establish the guilt of the appellant beyond all reasonable doubt and therefore, it is contended to affirm the impugned judgment and order of conviction and sentence.

7. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the appeal and the documents

placed on record and also perused the record of the learned court below.

8. Here in this case the occurrence took place on 03.03.2017, at about 11.30 am, at Borchara Village, under Bongaigaon P.S. The FIR-Exhibit-1, the evidence of the complainant-P.W.1 and the other witnesses, including the evidence of the I.O.-P.W. 9, are clear and cogent enough to establish the same. Notably, none of the appellant had disputed the date, time and place of occurrence.

9. It also appears that though the occurrence took place on 03.03.2017, at about 11.30 am, yet the victim succumbed to the injuries at about 10.30 pm in her house. And the FIR was lodged on 04.03.2017, by the complainant Nripen Barman at about 6.30 pm. But, it appears from the evidence of the I.O. that on 04.03.2017, at about 7.45 am, Shri Nripen Barman had informed him over phone that Mun Barman had assaulted his wife by means of a Sal log and injured her seriously and she was taken to Kokrajhar Civil Hospital where she was referred to Guwahati and then she was taken back to her home and at about 10.30 pm she died and upon the said information he had recorded a G.D. Entry, No. 54, Exhibit-6, dated 04.03.2017. But, there is, however, some delay in lodging the FIR. But, in the given facts and circumstances, the delay is found to be not material so as to cast any doubt about the veracity of the prosecution case. It also appears that death of the victim namely, Sarba Rani Barman on 03.03.2017, is not disputed by the appellant.

10. Now, it is to be seen whether death of Sarbarani Barman is accidental, suicidal or homicidal in nature. In this regard the evidence

of the Doctor, who had conducted autopsy on the dead body of the deceased is relevant. The prosecution side has examined the Doctor Pradyut Kr. Barman as P.W.7. His evidence reveals that on 04.03.2017 at about 11.15 AM at Bongaigaon Civil Hospital, he had conducted autopsy on the dead body of Sarba Rani Barman and he found the following injuries:-

- (i) Old fracture of left patella with metallic wire fixation seen. Bruise is seen over both upper eye lids. No ligature mark was noted.
- (ii) A depressed fracture is seen on the left frontal bone, vertebrae intact;
- (iii) Membrane lacerated;
- (iv) Injury on the left frontal lobe of brain on left side, haematoma due to profuse bleeding is seen;
- (v) Cut injury was seen over left forehead, cut injury on the upper lip on the left side;

Rest of the organs were intact, however, congestion was noted.

Upon the aforementioned injuries, the Doctor opined that death was due to head injury leading to intra haemorrhage and increased intracranial tension and the injuries, according to him, were antemortem in nature. The Doctor had confirmed his report-Exhibit-4 and his signature thereon. Nothing tangible could be elicited in cross-examination of this witness except that he had not mentioned the size of the injury.

11. Thus, it appears that the cause of death was head injury leading to intra haemorrhage and increased intracranial tension and the injuries, were antemortem in nature. It is also to be noted here that the Inquest Report -Exhibit-2 and the evidence of P.W.8, the Executive Magistrate, who held the Inquest, also reveals that he had found injury over the head, covered with bandage, and he found no ligature mark. The Inquest Report-Exhibit-2 also corroborated about the injuries sustained by the deceased. It is to be noted here that absence of ligature mark over the dead body, as noted by these two witnesses, ruled out possible commission of suicide by the deceased.

12. Now, it is to be seen how the deceased had sustained the ante-mortem injuries on her person. In this regard the evidence of P.W.2 is relevant. Her evidence reveals that on the date of occurrence she was sweeping her room and then she had heard quarrel between the appellant and deceased in front of her house. She then came out and went near them and found the child over the lap of the deceased and when she tried to take the child in her lap then the appellant gave blow on her person by means of a piece of wood. She then fell down and became unconscious. When she gained sense she heard that the appellant had inflicted blow on the person of his wife with a piece of log and she was taken to Kokrajhar Hospital from where she was referred to Guwahati Hospital. Then she was taken back to her house but before taking her to Guwahati she succumbed to the injuries at about 10.00 pm on that very night. Admittedly, this witness had not seen who caused the injury to the deceased and that she was not aware of the mental illness of the deceased.

13. What is apparent from the evidence of this witness is that though she had seen fighting between the appellant and the deceased and she reached near them and tried to take the child of the deceased to her lap from the deceased, then the appellant had administered blow on her person and as a result she became unconscious, and later on, she heard that the appellant had administered blow on the person of his wife. But, unfortunately neither the prosecution side nor the appellant side had tried to elicit from her, as to from whom she heard about inflicting injuries on the person of the deceased by the appellant. However, it is established from the evidence of P.W.2 that there was a fighting between the deceased and the appellant before causing the injuries to deceased by the appellant.

14. The informant - Shri Nripen Barma, whom the prosecution side had examined as P.W.1, also lend support to the version of P.W.2, though he is not an eye witness to the occurrence. His evidence also reveals that the appellant was staying in the house of Shukcharan Barman as *Ghor Jowani*, after marrying his daughter Sarba Rani @ Pulki. On 03.03.2017, at about 11.00 am, the appellant and the deceased Sarba Rani, had pick up quarrel and then the appellant had assaulted his wife by means of a piece of wood. Thereafter, the appellant had tried to flee away, but, the villagers have apprehended him. His evidence also reveals that the victim was taken to Kokrajhar Hospital, and from there she was referred to Guwahati. However, due to financial constraint she was taken back to home but she dies at about 10/10-30 pm. On the next day he lodged the FIR-Exhibit-1. His evidence also reveals that he had handed over the piece of wood, used by the appellant in commission of the offence, to the Police,

which was seized by Police, vide seizure list -Exhibit-3. It is elicited in his cross-examination that he had never heard that the appellant was suffering from any mental diseases. It is also elicited that he heard that the piece of wood was lying at the place of occurrence.

15. The evidence of P.W.3 - Md. Anowar Hussain, P.W.4 - Kanchan Ray, are also hearsay. P.W.2 had heard from villagers that the appellant had assaulted his wife as a result of which his wife died. P.W.4 also testified that she heard about assaulting the deceased by the appellant with a piece of wood and thereafter, the appellant had ran away and the villagers chased him and her husband also followed the villagers. She then went to the house of the appellant and found his wife lying on the floor, with profuse bleeding from the injury over her head and nose. She then accompanied the injured to the Hospital at Kokrajhar and from there she was referred to Hospital at Guwahati, but, due to financial constraint, she was taken back to home and after reaching home, she succumbed to the injuries. It is elicited in her cross-examination that she never heard about mental illness of the appellant. Thus, it appears that this witness also had not seen as to who had caused the injuries on the person of the deceased. But, she heard that it was the appellant who caused the same. However, it is not elicited from her as to from whom she had heard about the same. It also appears from her evidence that after commission of the offence the appellant had fled away and the villagers and her husband followed him.

16. P.W. 5 - Shri Dilip Das is a neighbour of the appellant as well as of the deceased. He had not seen the occurrence of inflicting blow to the victim, by the accused. But, having heard hullah, he also chased

the appellant, who, after commission the offence, had fled away towards Champa River and apprehended him at Chikibiki village. His evidence also reveals that on returning to the place of occurrence, he found that the victim has already been taken to the Hospital at Kokrajhar and at there, Doctor advised to shift her to Gauhati Medical College Hospital and then to arrange money, she was taken back to home, but, unfortunately, she succumbed to the injuries at 10.00 pm. His evidence also reveals that police had seized the piece of wood used in commission of the offence, and he put his signature thereon. Cross-examination of this witness reveals that the appellant was suffering from insanity and he did not know what he was doing.

17. P.W.6 - Shri Sudarshan Barman is a witness of seizure. His evidence reveals that on the date of occurrence while he was returning home then Nripen Barman took him to the Police Station where Police shown him a piece of wood-Material Exhibit-1, and took his signature,-Exhibit-3, over the same. His evidence also reveals that he heard that appellant Mun Barman had assaulted his wife; as a result, she died. It is elicited in cross-examination that the appellant was suffering from mental diseases, and that he could not say as to why his signature was taken by Police. What is apparent from this witness is that he had not seen the occurrence, but, he heard about assaulting the deceased by the appellant but, neither the prosecution nor the appellant had tried to find out from him as to from whom he heard about the same.

18. P.W.9- Shri Prahlad Das is the I.O. of this case. His evidence reveals that on 04.03.2017, at about 7.45 am, while he was In-Charge of Bidyapur Police Out Post, then Nripen Barman, VDP Secretary had

informed him over phone that Mun Barman had assaulted his wife by means of a Sal log and injured her seriously and she was taken to Kokrajhar Civil Hospital where she was referred to Guwahati and then she was taken back to her home and at about 10.30 pm she died. He then recorded a G.D. Entry, No. 54, dated 04.03.2017, Exhibit-6 and then visited the place of occurrence and Drawn up Sketch Map,- Exhibit-8, and got the inquest of the dead body held by Executive Magistrate and thereafter, sent the dead body for post mortem examination and thereafter he had examined witnesses and found the appellant at the place of occurrence and taken him to custody, and thereafter, on the same day at about 6-30 pm he had received the FIR and then he had forwarded the same to the Bongaigaon P.S. for registration of a case and after registration of Bongaigaon P.S. Case No. 169/2017, he was endorsed to complete the investigation and accordingly, he had collected the P.M. Report and completed investigation and laid charge sheet,-Exhibit-5, against the appellant to stand trial in the court under section 302 IPC. His evidence also reveals that the piece of wood, which was used by the appellant in commission of the offence, was produced before him along with the FIR and the appellant had identified the same for being used in commission of the offence and then he seized the same, Material-Exhibit-1, preparing seizure list- Exhibit-3. It is elicited in cross-examination that that the Material Exhibit-1 was produced before him by the complainant Nripen Barman. Admittedly, the Material Exhibit-1 was not sent to the Forensic Science Laboratory. It is also elicited that the appellant was fastened in his house. It is further elicited that

during investigation he did not find that the appellant was suffering from any mental illness.

19. From the above discussion it becomes apparent that there is no eye witness to the occurrence. The entire prosecution case is rest upon circumstantial evidence. What is a circumstantial evidence is dealt with by Hon'ble Supreme Court in the case of **Suresh and Another vs. State of Haryana** reported in **(2018) 18 SCC 654**, in para No. 46 as under:-

"46. Circumstantial evidence are those facts, which the court may infer further. There is a stark contrast between direct evidence and circumstantial evidence. In cases of circumstantial evidence, the courts are called upon to make inferences from the available evidences, which may lead to the accused's guilt. In majority of cases, the inference of guilt is usually drawn by establishing the case from its initiation to the point of commission wherein each factual link is ultimately based on evidence of a fact or an inference thereof. Therefore, the courts have to identify the facts in the first place so as to fit the case within the parameters of 'chain link theory' and then see whether the case is made out beyond reasonable doubt. In India we have for a long time followed the 'chain link theory' since Hanumant Case (supra), which of course needs to be followed herein also.

20. In the case of **Sharad Birdhichand Sarda vs. State of Maharastra** reported in **(1984) 4 SCC 116**, Hon'ble Supreme Court, while dealing with the conditions precedent, before conviction could be based on circumstantial evidence, held that the onus is on the prosecution to prove that the chain is complete and the infirmity or lacuna in the prosecution cannot be cured by a false defense or plea. The conditions precedent, which must be fully established are :-

- (1) The circumstances from which the conclusion of guilt is to be drawn should be fully established. The circumstances concerned 'must or should' and not merely 'may be' established;
- (2) The facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty;
- (3) The circumstances should be of a conclusive nature and tendency;
- (4) They should exclude every possible hypothesis except the one to be proved; and
- (5) There must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.

21. Now, adverting to the case in hand, I find the following and circumstances that have emerged from the evidence discussed herein above:-

- (i) That, the deceased and the appellant were husband and wife, and the appellant was staying as *Ghor Jowani* in the house of the deceased;

- (ii)** That, on 03.03.2017, the appellant and deceased was fighting in front of the house of P.W.2- Champarani Ray, in connection with some domestic matters.
- (iii)** That, hearing the quarrel between the appellant and deceased, P.W.2 came out and went near them and the she noticed child of the couple in the lap of the deceased and when she had attempted to take their child into her lap, then the appellant had assaulted on her person, as a result she became unconscious;
- (iv)** That, when she gained sense, she heard that the appellant had inflicted blow upon the deceased and found that the decease was taken to Kokrajhar Hospital.
- (v)** That, after the incident, the appellant had tried to flee away and he was chased by the villagers and apprehended at Chikibiki village and he was fastened, and later on, handed over to the Police. This is relevant as post crime conduct.
- (vi)** That, the weapon of offence i.e. the wooden piece was handed over to Police and Police seized the same preparing seizure list - Exhibit-3.
- (vii)** That, the appellant has identified the wooden piece used in commission of the offence before the I.O.- P.W.-9. And the seizure list-Exhibit -3 bears his thumb impression. This is relevant as post crime conduct.

(viii) That, the victim died in her house, and the P.M. Report- Exhibit-4 reveals that she had sustained following injuries:-

- (i) A depressed fracture is seen on the left frontal bone, vertebrae intact;
- (ii) Membrane lacerated;
- (iii) Injury on the left frontal lobe of brain on left side, haematoma due to profuse bleeding is seen;
- (iv) Cut injury was seen over left forehead, cut injury on the upper lip on the left side; and all these injuries were anti-mortem injuries.

22. Notably, these circumstances have not been disputed by appellant side. And the same are conclusive in nature and the same goes a long way to form a chain, so complete to establish conclusively and beyond all reasonable doubt that the injuries sustained by the deceased were caused by none other than the appellant, and the same are homicidal in nature. The circumstances unerringly established the guilt of the appellant and except the guilt, no other hypothesis is possible in the given facts and circumstances on the record.

23. Now, it is to be seen whether the act of the appellant comes under any of the exception of section 300 IPC. It is to be mentioned here that there are five exceptions to section 300 IPC and these are:-

- (i) Provocation;
- (ii) Private Defence;
- (iii) Exercise of Legal Power;
- (iv) Absence of Pre-Meditation (Sudden Fight);

(v) Consent;

24. In the case in hand, and as rightly pointed out by the learned Legal Aid Counsel, and as apparent from the facts and circumstances on the record also, the applicable exception may be absence of pre-meditation (sudden fight). This exception, however, has six essential ingredients and these are:-

- (i) without pre-meditation;
- (ii) in a sudden fight;
- (iii) in the heat of passion arising out of sudden quarrel;
- (iv) without the offenders having taken undue advantages;
- (v) the offender should not act in a cruel or unusual manner;
- (vi) the fight must have been with the person killed;

25. In the case in hand, the evidence of P.W.2 clearly indicates that the appellant and the deceased were fighting in front of her house and while she came out, hearing the quarrel and went near them and she tried to take the child in her lap from the lap of the deceased, then the appellant gave blow on her person by means of a piece of wood. She then fell down and became unconscious. When she gained sense, she heard that the appellant had inflicted blow on the person of his wife with a piece of log. But, the evidence of the Doctor reveals that he found as many as (i) A depressed fracture is seen on the left frontal bone; (iii) Membrane lacerated; (iv) Injury on the left frontal lobe of brain on left side, haematoma due to profuse bleeding is seen; (v) Cut injury was seen over left forehead, cut injury on the upper lip on the left side. Thus, it appears that this not a case of single blow, instead it is a case of multiple blow and that too on the vital part of the body, i.e. the head. The injuries were caused by Material Exhibit-1, a piece

of wooden log, which was seized vide seizure list - Exhibit-3, and the same was with the hand of the appellant at the relevant point of time. Thus, as contended by the learned Legal Aid Counsel, though the appellant did not intend to cause death of his wife as it was a sudden fight between husband and wife, yet, from the conduct of the appellant it stands established that he had the knowledge that if the victim is assaulted over her head by means of a piece of wooden log, it might cause her death.

26. Thus, exception No. 4 to section 300 IPC had taken the offence out of the purview of section 300 IPC. Thus, this is clear case of Section 304 -I IPC and the learned court below had rightly arrived at such a conclusion in paragraph No. 33 of its judgment.

27. Now, coming to the submission of the learned Legal Aid Counsel, that at the time of occurrence the appellant was suffering from mental illness, I find that the P.W. 4, 5 and 6, in their cross-examination stated that the appellant was suffering from mental illness at the time of commission of the offence, yet P.W.1, P.W.2 and P.W.4 have categorically denied such contention. Moreover, the appellant neither in his examination under section 313 Cr.P.C. had taken such a plea nor adduced any evidence to establish such a plea. Section 84 IPC deals with the action of person with unsound mind. And the burden to prove of unsound mind is upon the person who pleaded it. Law presumes that every person of the age of discretion to be sane unless the contrary is proved. As stated earlier herein this case the appellant had never made any such claim and he also adduced no such evidence and P.W.1,2 and 4 and also the I.O. have testified that they were not aware of any mental illness of the appellant. He was also sent to

Psychiatrist but no material of mental ailment was found. In that view of the matter this court is unable to agree with the submission of learned Legal Aid Counsel. The learned court below also, having relied upon a decision of Hon'ble Supreme Court in **Surendra Mishra vs. State of Jharkhand** reported in **(2011) 11 SCC 495** had dealt with the issue in proper perspective by assigning sound logic and the same is found to be satisfactory.

28. It also appears that the learned court below has sentenced the appellant to undergo rigorous imprisonment for a period of 10 years and also to pay a fine of Rs.5,000/ with default stipulation. And having regards to the nature and gravity of the offence, the sentence, so handed down, appears to be just and reasonable and it warrants no interference of this court.

29. In the result, I find no merit in this appeal, and accordingly, the same stands dismissed. Send down the record of the learned court below, with a copy of this judgment and order. The parties have to bear their own costs.

30. Before parting with the record, this court is inclined to acknowledge the invaluable service, rendered by Ms. Meghali Barman, the learned Legal Aid Counsel, in disposing of this appeal. The Registry shall pay the requisite fee to her to as per entitlement, on furnishing a certified copy of this judgment.

JUDGE

Comparing Assistant