

AFR

Reserved

Neutral Citation No. - 2023:AHC-LKO:58612

In Chamber

Case :- CRIMINAL APPEAL No. - 520 of 1999

Appellant :- Prem and others

Respondent :- State of U.P.

Counsel for Appellant :- Diwakar Singh, Ajeet Kumar, P.K. Rai, Upendra Prakash Pathak, Vishwa Nath Singh

Counsel for Respondent :- Govt. Advocate

Hon'ble Umesh Chandra Sharma,J.

1. As per order dated 17.02.2014, this appeal in respect of appellant no.3, Mohan, after his death, has been abated and this appeal has also been abated vide order dated 29.11.2016 in respect of appellant no.1, Prem. Hence, this appeal survives only in respect of appellant no.2, Nand Kishor.

2. Heard Sri Ajeet Kumar, learned counsel for the surviving appellant, Sri Arvind Kumar Singh, learned AGA for the State and perused the record.

3. This appeal has been preferred against the judgment and order dated 01.10.1999 passed by Special Judge (EC Act)/Additional Sessions Judge, Barabanki in ST No.99 of 1994 (State Vs. Prem and others) arising out of Case Crime No.98 of 1992, under Section 376(2)(g) IPC, Police Station Tikait Nagar, District Barabanki to undergo ten years rigorous imprisonment and fine of Rs.2,500/- to each and in default of payment of fine four months rigorous imprisonment to each of the convicts.

(I) Grounds of appeal-

4. The appellants had taken grounds that the learned Sessions Judge had committed manifest error in not considering the defence evidence; there was inordinate delay of about 9 days in filing the application before the Judicial Magistrate; no FIR was lodged regarding the alleged incident; the Sessions Judge has committed manifest error of law in not considering the delay and in convicting the appellants without application of mind; there was no public witness of the alleged crime; the appellants have been falsely implicated in the case due to previous enmity; the prosecution witnesses have not supported the prosecution version; there was vital discrepancy in the evidence of prosecutrix and the prosecution witnesses; the eye-witnesses have contradicted the prosecutrix which falsifies the entire prosecution case; there was material contradiction in the statement recorded under Section 161 CrPC and the evidence; the clothes of the prosecutrix were not sent for chemical examination; appellants (Prem and Nand Kishor) both are *devar* and Mohan is father-in-law of the prosecutrix; the trial court has erred in not appreciating the contradictions in the evidence of all the witnesses; no spermatozoa was found in the private part of the prosecutrix; there was family dispute between the prosecutrix and the appellants; no injury was found on the private part or on the body of the prosecutrix; PW-6, medical officer has deposed that no opinion of rape can be given; the delay in filing the application before the

Judicial Magistrate is not explained which creates doubt on the entire prosecution story; the alleged witnesses Chhotka, Bahadur and others who allegedly had seen the occurrence were not examined as a witness deliberately, therefore, the conviction and sentencing passed by the trial court be set aside and the appellant be acquitted.

(II) Brief facts of the case-

5. According to the prosecution story, the victim moved an application under Section 156(3) CrPC before the concerned Magistrate that in the night of 09/10.06.1992 at about 12 o'clock when she was sleeping at her door and lantern was lighting and her husband Sohan Lal had gone to the kinship, the accused Prem reached on the spot and started raping with her. She kicked and pushed him, by then Nand Kishor and Mohan caught hold of her. On her noise neighbours reached there and accused persons escaped. She could not go to the police station as her husband was not present, when her husband came, she had gone to the police station. It is, therefore, requested to kindly direct the police station Tikait Nagar to lodge the FIR and investigate the matter.

6. The aforesaid application was moved on 18.06.1992 after eight days of the alleged incident. The case was lodged at Crime No.98 of 1992, under Section 376 IPC. The investigating officer (for short 'IO') investigated the matter, prepared site plan Ex.Ka-6 and after recording the statements of the witnesses, the charge-sheet under

Section 376 IPC was submitted to the court. The case was committed to the court of sessions which was transferred to the court of Additional Sessions Judge-IV, Barabanki who framed the charge on 07.06.1995 against the accused Prem under Section 376 IPC and against the accused Nand Kishor and Mohan under Section 376 read with Section 34 IPC and an alternative charge against all the accused persons was framed under Section 376(2)(g) IPC. Accused persons denied the charge and sought trial.

7. The prosecution examined following witnesses:-

1	PW-1	The victim
2	PW-2	Sohan Lal, husband of the victim
3	PW-3	Mantora, daughter of the victim
4	PW-4	Arvind Pratap Singh
5	PW-5	Giridhar Prasad Gupta
6	PW-6	Dr. Chandra Lekha

8. The prosecution has produced following documentary evidences:-

1	Ex.Ka-1	Written complaint
2	Ex.Ka-2	Fard (dhibri/lantern)
3	Ex.Ka-3	Chik FIR
4	Ex.Ka-4	Kaymi case GD carbon copy
5	Ex.Ka-5	Weeding report of original GD
6	Ex.Ka-6	Map
7	Ex.Ka-7	Charge-sheet
8	Ex.Ka-8	Medical report

(III) Brief discussion on the evidence/statements of the prosecution witnesses-

9. PW-1, victim has deposed that about 6 years ago at about 12 o'clock on a summer night she was sleeping on a cot in the *sahan*, her daughter and son were also sleeping on another nearby cot. The *dhibri* (country-made lamp) was on, accused Prem came and lifted her *saree* and started raping her, she woke up and kicked him thereafter accused Nand Kishor and Mohan who had come with Prem, had caught hold of her and Prem forcibly committed rape with her. She started crying on which all the three accused ran away. On her crying her son and daughter had also woke up who saw and recognised the accused persons. The witness recognised the accused persons in the court and pointing on the accused Prem, deposed that he had committed rape with her and Nand Kishor and Mohan had caught hold of her. She had recognised them well at the time of the incident. Her husband was out of the house and had gone to the kinship. After few days when he returned, she narrated the whole story who came to Barabanki and moved an application before the Magistrate to lodge the FIR. The witness recognised her thumb impression on the application Ex.Ka-1 and rectified that due to typing mistake in place of *dhibri* she had written it to be lantern. On the basis of the said application a report was lodged, IO had recorded her statement. She had pointed out the place of occurrence, IO had taken her to the district hospital where she was medically examined. *Dhibri* was

inspected and was given in the custody of her husband. Upon her noise, witnesses Smt. Chhotka, Bahadur (blind person) and others had also reached on the spot and had seen the occurrence.

10. In the cross-examination, this witness accepted that she had not gone to the police station for lodging the FIR. She had come to the court and had not gone to any other place. *In the court premises she had met to the counsel and instructed him to prepare such a case in which accused persons must go to the jail and must be convicted.* The said counsel had typed the paper and had got her thumb impression. *The application was not read over to her.* She had shown the cot to the IO. On the day of occurrence she was sleeping and had woken up at 05:00 a.m. She had slept at 08:00 p.m. She further deposed that she often used to sleep out of the house.

11. In further cross-examination this witness deposed that the lantern was lighted under the hut. She was sleeping on the cot at a distance of 20 steps from her door. *It is true that she was sleeping underneath the hut. It is wrong to say that she was sleeping in the sahan. She further deposed that she had not named any witness, none had come on the spot.* This witness denied that any case with the accused Prem was going on. According to this witness, the IO had conducted her medical examination just after two days of the incident. She had gone there with her husband and after the medical examination she had gone to the court premises. This

witness further deposed that since before the death of her father-in-law all were living separately. The land had also been separated. Her father-in-law had taken possession of the land of his share. The land of Barsati had been divided. *The land of Barsati had been cultivated by Prem and Nand Kishor. She was claiming share in it and they were not providing the share to her in the property of her father-in-law.* The witness denied that she had instituted the case and has also implicated Mohan as he was the friend and helper of the rest of the accused persons.

12. PW-2, Sohan Lal, husband of the victim has deposed that on the day of occurrence he had gone to the kinship and after 4-5 days when he returned, his wife had narrated the story. His wife came to the court premises, narrated the application and produced the same in the court. Dhibri lighted at the time of the incident was shown to the IO. A recovery memo of dhibri was prepared and thereafter it was returned to him. The witness recognised his thumb impression on the recovery memo Ex.Ka-2. The witness denied that since the accused persons were not providing the share in the property of Barsati, therefore, he had lodged a false FIR against the accused persons through his wife.

13. PW-3, Mantora daughter of the victim has deposed that at the time of alleged occurrence she was about 12-13 years old. She was lying at the door near her mother, dhibari was lighted. Her father Sohan Lal had gone to the kinship. By that time accused Prem, Nand Kishor and

Mohan reached, Mohan caught hold of hands of her mother and accused Prem started bad deed with her mother. Her mother cried on which she woke up and saw that accused Mohan had caught hold of hands of her mother and Prem was doing bad deeds with her mother without her consent. Nand Kishor was standing away. When she cried, accused persons ran away. Accused Prem had done bad deed and had run away and two other accused persons also ran away. Bahadur and Chhotka had cried from their houses and had not come on the spot. After three days of the incident her father came to the house and her mother had narrated the whole story. The IO had interrogated her. After three days of the incident when her father had come, he gone to lodge the FIR with her mother. Her mother had slept 2-4 steps away from her. Barsati was her grandfather. His father were four brothers. His elder brother has died. When IO had visited her house, her mother has shown the lantern which was returned by him after seeing the same. Accused Mohan was her grandfather in relation. His father was aged about 60-65 years. Mohan is elder to her father. The witness denied that as the accused persons had occupied the land of her uncle Sundar and were not intended to give share, therefore, false FIR had been lodged.

14. PW-4, constable Arvind Kumar Singh has proved chik FIR Ex.Ka-3 and kaymi case GD Ex.Ka-5. According to him he had lodged the FIR and had prepared the kaymi case GD on 15.07.1992. In cross-examination this witness explained that there was no order regarding lodging the

FIR. There was an order to investigate and inform about the incident. He had lodged the FIR on the order of the SO.

15. PW-5, Girdhar Prasad Gupta, IO has deposed that on 15.07.1992 this case had been lodged and he was entrusted the investigation of the case after which he visited the spot and prepared map Ex.Ka-5 on the pointing of the informant in his own hand writing and signature. After taking dhibari in possession he had returned it and a memo Ex.Ka-2 was prepared in his hand writing and signature. He had recorded the statement of witnesses Mantora, Smt. Chhotka, Smt. Kunwar, Bahadur, Ganga Ram and had arrested the accused persons on 24.07.1992. Medical examination of the victim was conducted and her statement under Section 164 CrPC was recorded and after completion of investigation, he had submitted charge-sheet Ex.Ka-7.

16. During the cross-examination this witness accepted that he has not mentioned the distance of the places as shown in the map. The witness could not say the length and width of the hut. He could not say the distance of the cot of the prosecutrix from the door and the hut. He could not say the distance of the house of the accused persons from the house of the victim. He further deposed that he had found dhibari at place-C made on the wall which was 4 feet above from the earth. Nothing has been said about the lantern. This witness has admitted that IO had sent a report to the court on 07.07.1992 stating therein based on

the statement of the husband of the victim that his father Barsati had died one and a half month ago. On the day of *terhi* he wanted share in the property of Barsati, Prem and Nand Kishor had not provided the same and had possessed the plot, therefore, the victim on account of enmity wants to implicate Prem and Nand Kishor as accused. The witness further deposed that the petticoat and saree of the victim were not taken into possession and were not sent for the chemical examination. The witness denied that under the connivance with the informant, he had submitted false and forged charge-sheet.

17. PW-6, Dr. Chandra Lekha has deposed that on 29.07.1992 she had medically examined the witness. There was no injury on the person of the victim. The hymen was already old torn and healed and two fingers were easily entering into her private part. The witness has already opined that no opinion regarding rape can be given as the victim was habitual to the intercourse.

18. In cross-examination this witness deposed that considering the age of the victim she was not referred to the X-Ray, examination for ascertaining her age. She further deposed that neither she had prepared any supplementary medical report nor any report for semen test is on record. At the time of incident no internal or external injury was found on the person of the victim and also no sign of rape was found.

19. After conclusion of the prosecution evidence the statement of the witnesses were recorded in which accused Prem and Nand Kishor denied the allegations, charge and oral and documentary evidence produced by the prosecution and have stated that the informant and her husband were claiming share in the property of his father. On account of such enmity they were falsely implicated.

20. The accused Mohan has also denied the allegations, charge, oral and documentary evidence and has further stated that he used to sit and move with accused Nand Kishor and Prem, therefore, he was falsely implicated.

21. After considering the evidence and after hearing the argument, the accused persons were convicted under Section 376(2)(g) IPC and were awarded rigorous imprisonment of ten years and fine of Rs.25,000/- to each accused with default stipulation.

22. Being aggrieved this appeal has been preferred.

23. According to learned counsel for the appellant there is undue delay in lodging the FIR. After a delay of five days, the FIR has been lodged and no plausible explanation has been given. The prosecution has an explanation that as the husband of the victim namely Sohan Lal was out of the house and had gone to the kinship, therefore, the FIR could not be lodged. It is noteworthy that the victim was not alone in the house. Her daughter and son were also present there, therefore,

she was able to lodge the FIR without any undue delay after visiting the concerned police station with her children. However, it has not been proved that in which kinship her husband had gone. If virtually he had gone to the relatives, the relative concerned could have been examined to prove the presence of her husband at his house.

(IV) Enmity-

24. The witnesses of fact PWs-1, 2 and 3 have admitted that there was property dispute between both the parties. PW-1, victim has admitted that her father-in-law Barsati had also taken share in the property and after his death, it was occupied by the accused persons. She was claiming her share but accused persons were not giving the share and its possession.

25. PW-2, Sohan Lal has admitted that there was dispute regarding the land of his father though he has denied that on account of enmity accused persons had been falsely implicated.

26. PW-3, Mantora daughter of the victim has also admitted that accused Mohan is her grandfather in relation and he was aged about 60-65 years. This witness has also denied that there was property dispute. The enmity is double edged weapon. On account of enmity an offence can be caused and an innocent person may also be falsely implicated in a false and concocted case. In this case considering the facts, circumstances, medical and

oral evidences and improvements from the original case, during the course of trial, it can safely be concluded that on account of enmity the accused persons had falsely been implicated as the victim was claiming share of land of her father-in-law, Barsati which was under the possession of the two accused persons.

(V) Source of light-

27. It is the prosecution case that the victim and the witnesses recognized the accused persons in the light of dhibri or lantern. Whether dhibri was on or lantern was lighted, there is difference in the evidence of the witnesses. PW-1 has deposed at page-1 and 3 and that dhibri was lighted and she recognized accused persons in the light of dhibri which was kept on the wall of the hut but the same witness deposed at page-7 that lantern was lighted there under the hut.

28. PW-2 Sohan Lal husband of the victim was not present on the spot but according to him dhibri was lighted at the time of commission of crime.

29. PW-3, Mantora daughter of the victim has deposed at page-1 that dhibri was lighted while the same witness has deposed at page-3 that lantern was lighted and when IO had visited the spot, her mother had shown the lantern to him. It is noteworthy that according to the IO dhibri was shown to him and he had prepared a fard regarding dhibri and the dhibri was returned to the victim.

30. According to PW-5, IO, he was informed that dhibri was lighted at the time of commission of crime. This witness denied that any lantern was shown to him. Thus, what was the source of light, is not free from doubt.

(VI) Place of sleeping-

31. According to the charge, the victim was sleeping at the door of her house but PW-1, the victim has deposed at page-1 that she was sleeping in *sahan* on an independent cot nearby the cots of her daughter and son on which they were sleeping. According to the victim the offence was committed with her at about 12 o'clock but this witness has deposed at page-5 that on the day of occurrence *she had slept at 08:00 p.m. and woke up at 05:00 a.m.* According to this Court, if such occurrence would be caused with a lady, she would hardly sleep after such incident and would wake up at 05:00 a.m. *The victim PW-1 has deposed at page-7 that she was sleeping under the chhappar. It is wrong to say that she was sleeping in sahan. PW-3 Mantora has deposed that she was sleeping on another cot near her mother at the door. According to the IO, PW-5, the victim was sleeping in sahan and he has also shown the cot of the victim in the sahan.* Thus, on the basis of difference in the evidence of the witnesses of fact, it is concluded that the prosecution has miserably failed in establishing the place of occurrence and that where the victim was sleeping at the time of commission of the alleged crime.

32. *Manner of occurrence* does not inspire confidence in the mind of the court that in such circumstances such offence can be committed with the victim. According to the witnesses of fact, the children of the victim were sleeping at a distance of 2-4 steps away from the victim. In such a case how one would dare to commit such offence. On the face of record this incident appears to be false and the whole story does not inspire confidence in the mind of the Court.

33. *It has also been proved that out of three accused persons two accused persons are real brother.* According to this Court two real brothers cannot commit such crime together. On this score also the prosecution story appears to be doubtful.

(VII) Role of Nand Kishor, the sole surviving accused-

34. It has been proved that accused Mohan and Prem have died. Accused Prem had been assigned role of committing rape on the victim and the role of catching hold of the victim has been assigned to the accused Mohan. As per FIR, Nand Kishor and Mohan had caught hold of the victim and Prem raped her while as per site plan prepared on the pointing of the victim, the alleged offence had been committed at place-A and her children were sleeping at some steps away at place-B and two accused persons were standing around four steps away at place-D.

35. In this regard it would be proper to consider the evidence of the witnesses of fact. PW-1, the victim has deposed that Nand Kishor and Mohan had caught hold of her and Prem had committed rape with her whereas according to PW-3, daughter of the victim, accused Mohan had caught hold of hands of the victim and the accused Prem had raped her mother. This witness has not assigned any role to the accused Nand Kishor. She deposed at page-2 that Nand Kishor was standing at some distance and after doing bad deeds with her mother, both the accused persons ran away.

36. According to this Court, there is gross variation in the evidence of PW-1 and PW-3. If three accused persons would have been there, all the three accused persons would have run away and not only two.

37. In this case two *independent eye-witnesses* Chhotka and Bahadur have been shown but they have not been examined, thus the evidence of the victim does not find support from any independent evidence. Even her son has also not been examined. In this regard it would be proper to refer Section 114(g) of the Indian Evidence Act, 1872:-

"114. Court may presume existence of certain facts.
— The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business, in their relation to the facts of the particular case.

X X X X X

(g) that evidence which could be and is not produced would, if produced, be unfavourable to the person who withholds it."

38. It is also noteworthy that the victim PW-1 has deposed at page-4 in the evidence that she directed her counsel to prepare such a case so that accused be sent to jail and be punished. Thereafter the counsel typed a paper and got her thumb impression. The contents of the application was not read over to her. Thus, it is proved that the contents of FIR are not the contents and facts of the victim but after undue delay an FIR had been prepared after undue consultation with legal assistance. Therefore, such delay causes injustice to the accused persons. It has been proved that the accused persons were not criminal in nature, they were gentlemen and they were falsely implicated on account of enmity regarding property and share of Barsati and Sundar.

(VIII) Conclusion-

39. In **Santosh Prasad @ Santosh Kumar Vs. State of Bihar, (2020) 3 SCC 443** it was alleged that after committing an offence of house trespass accused committed rape with a married lady. There were material contradictions in deposition of the prosecutrix. Neither the indecent witness nor the medical witness was supporting the prosecution case. FSL report was also not supporting prosecution case. There was variation in prosecutrix's version about the given complaint. Prosecutrix failed to pass test of becoming "sterling witness". There is also delay in lodging the FIR. There was also enmity/dispute between both the parties with respect to land. Any other supportive evidence and the accused was given benefit of doubt and conviction was reversed.

40. In **Lalta Prasad Vs. State of MP, AIR 1979 SC 1276**, it could not be established that the prosecutrix was ever subjected to any sexual intercourse by the accused against her will. On the other hand, there was the evidence of the doctor that when she was examined after the occurrence, the doctor found old torn hymen and no sign of any rape or any forceful intercourse with her. That being so, the conviction of the appellant under Section 376 IPC was set aside.

41. In **Charan Singh Vs. State of Haryana, (1988) 3 Crimes 85 (P&H)** it was case of a girl above 16 years who was allegedly raped. In this case also the question was whether when she admitted of having suffered some injuries on her back during the incident and when the same were not found then what had to be done. The lady doctor, however, who examined her did not find any injury on her private parts or on her body during the medico legal examination. No tenderness, swelling or blood was found in the vagina. She further found that two fingers could easily be admitted into the vagina. During the cross-examination, she rightly admitted that the prosecutrix would have suffered tenderness and swelling of the vagina if she was subjected to rape by two young boys. The gap between the occurrence and her medico legal examination ruled out any possibility of any abrasion being healed. Giving the benefit of doubt the accused were acquitted.

42. In **Zahoor Ali Vs. State of UP, 1989 CrLJ 1177 (All)** the doctor did not find any recent injury on the private parts of the girl. Hymen was found to be torn from before and healed. Therefore, the charge was held to be not proved.

43. In **Sakariya Vs. State of MP, 1991 CrLJ 1925 (MP)** there was an allegation of rape upon a married women who was alleged to have been dragged towards the place of occurrence and then raped but the report of medical examination was in the negative so far as the seminal stains and presence of spermatozoa in the vagina was concerned and to top it all there was not even a scratch on her body and the accused was acquitted.

44. In **Maharashtra Vs. Abdul Hafees Faroki, 1998 CrLJ 3603 (SC)**, eight persons were accused for raping a girl twice by turns and pushing the girl out of the running train. However, when no serious injury was found on the person of the girl and evidence showed that there was possibility of prosecutrix going with the accused willingly, the acquittal of the accused was held proper.

45. In **Joseph Vs. State of Kerala, 2000 CrLJ 2467 (SC)**, the dhoti of the accused contained no blood or semen stains and there was no injury caused to the private part of the body of the victim. The conviction was sought to be proved by the fact that vaginal smear's examination confirmed the presence of semen and spermatozoa. It was held that this was not a ground for

conviction of accused for the offence of rape and the accused was entitled to acquittal on the basis of benefit of doubt.

46. In **Sampad Vs. State of Orissa, 2001 CrLJ 793 (Ori)**, there was charge of gang rape against the accused persons who allegedly had forcibly lifted the victim to a nearby river bank on knife point and had committed sexual intercourse with her but no sign of forcible intercourse or mark of violence was found either on the spot or during the medical examination of prosecutrix. It was held that in the absence of a proper proof they could not be convicted under Section 376(2)(g).

47. In **State of State of Orissa Vs. Rama Swain and others, 2007 CrLJ 714 (Ori)** the accused persons were alleged to have committed a rape forcibly on the prosecutrix one after another but the evidence showed that there was dispute between the victim and the accused persons regarding damage of crop by the cattle of the victim over the land cultivated by the accused persons. There was no semen stain on the apparels of the victim found. Thus the evidence of prosecutrix did not inspire confidence and the judgement of acquittal was upheld.

48. In **Goverdhan Vs. State of MP, 2006 CrLJ 4118**, the parties were not keeping good relations in the past and had lodged FIRs against each other. Medical report did not corroborate the version given by the prosecutrix.

It was held that guilt was not proved and conviction was improper.

49. Similarly due to non support of medical report, in **Mansingh Vs. State of MP, 2007 CrLJ 201 (MP)**, the conviction of the accused was set aside as the prosecution case was not supported by the medical report.

50. In **State of Maharashtra Vs. Rameshwar Sridhar Jaware, 2008 CrLJ 675 (Bom)**, the accused persons were alleged to have committed rape on a girl of 16 years. Medical report as well as the report of the chemical analyst was contrary to the evidence of prosecutrix. It was held that the possibility of a false accusation could not be ruled out and the accused was entitled to acquittal.

51. In **Suresh Govinda Nagdeve Vs. State of Maharashtra, 2008 CrLJ 2943 (Bom)**, the allegation was that the prosecutrix was subjected to rape by three accused person. It was alleged that in the night, the crime was committed in an open field but no injury on the private part or on the back of the prosecutrix was found and the Doctor could not confirm the theory of sexual intercourse. Similarly no corresponding injury was there on the private parts or on the body of the accused. Giving the benefit of doubt, the accused persons were acquitted.

52. All the above judicial pronouncements are applying in favour of the surviving appellant and against the prosecution.

53. On the basis of above discussion, this Court is of the considered view that the Sessions Judge has not properly evaluated the evidence and treating the evidence of the victim as gospel truth, he convicted and sentenced the accused persons without any basis. Hence, the appeal is liable to be allowed.

54. Accordingly, the appeal succeeds and is **allowed**.

55. The impugned judgment and order of conviction and sentencing dated 01.10.1999 passed by the Special Judge (EC Act)/Additional Sessions Judge, Barabanki is hereby quashed. The surviving accused be set free immediately, if he is in jail and if he is not wanted in any other criminal case.

56. The lower court record alongwith a copy of this judgment be sent back to the court concerned for its consignment and necessary compliance.

Order Date :- 06.09.2023

Shahroz

(Umesh Chandra Sharma,J.)