

Neutral Citation No. - 2025:AHC:16724-DB

Court No. - 45

Case :- CRIMINAL APPEAL No. - 1505 of 2019

Appellant :- Ramakant Baghel And Another

Respondent :- State of U.P.

Counsel for Appellant :- Ramesh Chandra Yadav

Counsel for Respondent :- A/R0744,Dinesh Kumar
Vishwakarma,G.A.,Ram Chandra Srivastava

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Dr. Gautam Chowdhary,J.

1. Heard Shri Ramesh Chandra Yadav, learned counsel for the appellants, Shri L. D. Rajbhar, learned A.G.A.-I for the State and Shri Ram Chandra Srivastava, learned counsel for the informant.

2. This appeal arises from the judgment and order dated 06.02.2019 passed by Shri Manoj Kumar Singh-III, learned Additional Sessions Judge-VII, Firozabad in Sessions Trial No. 310 of 2012 (State Vs. Ramakant Baghel and Devendra Kumar Baghel alias Deva), arising out of Case Crime No. 516 of 2011, under Sections 302, 201 I.P.C., Police Station Shikohabad, District Firozabad, whereby both the accused-appellants have been convicted and sentenced under Section 302/34 I.P.C. to undergo life imprisonment along with fine of Rs. 10,000/- each and in default in payment of fine to further undergo additional imprisonment of six months and under Section 201/34 I.P.C. to undergo seven years imprisonment along with fine of Rs. 5,000/- each and in default in payment of fine to further undergo additional imprisonment of three months.

3. The prosecution story emerges that a written report was given by Mahesh Chandra (informant) that on 16.10.2011 the deceased-Hemant Kumar @ Lalu had gone to a gymnasium namely Powerhouse Gym at Mustafabad Road on a bicycle along with his younger brother-

Bantu. While the two brothers came out of the said gymnasium, they were met by Ramakant, Santosh and Deva @ Devendra (hereinafter referred to as the, 'accused persons'.) The accused persons requested Hemant to accompany them and to help them to buy a mobile phone. The deceased Hemant accepted the request made by the accused persons. Thus, he has further described Hemant to have been seated on the motorcycle driven by Ramakant with Santosh sitting behind. On the other motorcycle driven by Deva @ Devendra, the fourth accused Ram Bharose was seated. This occurrence was described to have been witnessed by Bantu Babu (P.W.2). Thereafter, the prosecution story further narrates that the deceased was seen travelling with the accused persons in like manner at about 6:00 p.m. on 16.10.2011 along side the irrigation canal near Modh Station on the road going towards Balaji. This occurrence was witnessed by Mahesh Chandra (P.W.1), the father of the deceased and one Ravindra Upadhyaya, S/o Shrinarayan Dutt Upadhyaya (not examined at the trial). Further, P.W.1 claims to have questioned the accused persons as to the purpose of their journey. He was informed that the accused persons along with the deceased are going to visit Balaji Temple. To that P.W.1 did not object. When the deceased did not return home till night, the first informant claims to have tried to call the deceased on his mobile phone but the same was switched off. On that occurrence, the first informant further claims to have met Ramakant at his residence on 16.10.2011. He was informed that the accused persons had left the deceased at Etah Station. However, since the deceased did not return till the next morning, the first informant claims to have further inquired from the accused-Ramakant and his father Ram Bharose about the whereabouts of his son (deceased), but unclear answers emerged. Thereafter, the first informant claims to have made a search of the deceased on 17.10.2011. Thereafter, on 18.10.2011 that is on the next day at about 2:00 p.m. the dead body of the deceased was discovered in the irrigation canal

near Village Jaslai. The deceased appeared to have been done to death, brutally, with a sharp edged weapon. Lastly, the prosecution set up the motive of love relationship formed by the deceased with the sister of the accused-Ramakant. In that regard the first informant further narrated that ten days prior to the occurrence the accused Ramakant had threatened the first informant of dire consequences if the deceased did not end relationship with his sister.

4. The *Tehrir* was written by Bantu (P.W.2) and the F.I.R. was submitted by Mahesh Chandra (P.W.1) on 18.10.2011. These are exhibited as Ka.-1 and Ka.-14. Here, this may be noted that the F.I.R. was lodged at Police Station Shikohabad on 18.10.2011 at about 3:30 p.m. On that date the Panchayatnama was conducted (Ex.Ka.-2). Also on that date blood stained clothes as also the dead body of the deceased were recovered. That recovery memo is Ex.Ka.-3. The dead body of the deceased was subjected to autopsy on 19.10.2011 at about 2:25 p.m. The autopsy was conducted by Dr. B. S. Sodhi (examined as P.W.10 at the trial). He recorded the following injuries on the dead body of the deceased :

- (i) I.W. 6.0 x 4.0 c.m. a right side of neck muscle deep.
- (ii) I.W. 3.0 x 2.0 c.m. suprasternal notch muscle deep.
- (iii) I.W. left upper anterior chest just below medial end of left clavicle bone deep.
- (iv) I.W. 3.0 x 1.0 c.m. a right side of imbriculus 4.0 c.m. 4 lateral 4 about to injuries.
- (v) I.W. 2.0 c.m. x 3.0 c.m. left anterior abdominal muscle deep 8.0 c.m. lateral to injury 4.
- (vi) I.W. 8.0 c.m. x 2.0 c.m. a left anterior 5.0 c.m. below and medial to left nipple (plent curly deep).
- (vii) I.W. 8.0 x 4.0 c.m. a pelvic area below imbriculus. Large & small intestines protrally one (curly deep).

(viii) I.W. 4.0 c.m. x 1.0 c.m. a right upper & medial point of thigh 5 c.m. below at places.

5. As to the cause of death, it was clearly noted as haemorrhage and shock due to antemortem injuries. As to the time of occurrence, it was clearly recorded that the same was approximately before two days (Ex.Ka.-16).

6. About eight days after the occurrence, i.e. on 24.10.2011, the weapon of assault namely knife was recovered near the irrigation canal. In that regard only the blade of the knife was recovered and not its handle/ grip. The recovery memo clearly indicates that there was no independent witness to this recovery. The recovery appears to have emerged after the arrest of appellants. The recovery memo is Ex.Ka.-9. The blood stained clothes and weapon of assault were subjected to forensic examination. That affirmed human blood on the blade of the knife. Upon the investigation being completed the Investigating Officer recorded statements of witnesses during the course of investigation and thereafter submitted charge sheet (Ex.Ka.-13) on 05.11.2011. The case was committed to the court of Session vide order dated 28.08.2012. Following two charges were framed against the accused persons:

प्रथम- यह कि दिनांक 16. 10. 2011 को समय अदम तहरीर स्थान नहर के किनारे वहद ग्राम जंगल जसलई, थाना शिकोहाबाद क्षेत्र के अन्तर्गत जिला फिरोजाबाद में आप लोगों ने अपने सामान्य आशय की पूर्ति में वादी महेश चन्द्र के पुत्र हेमन्त कुमार की छूरा से मार कर हत्या कारित कर दी। इस प्रकार आप लोगों ने भा०द०सं० की धारा- 302 सपठित धारा- 34 के अन्तर्गत दण्डनीय अपराध किया है, जो इस न्यायालय के प्रसंज्ञान में है।

द्वितीय- यह कि उपरोक्त दिनांक समय व स्थान पर आप लोगों ने अपने सामान्य आशय की पूर्ति में वादी मुकदमा महेश चन्द्र के पुत्र हेमन्त कुमार की हत्या कारित करने के पश्चात् उसकी लाश का विलोपन करने के आशय से नहर में फेंक दिये। इस प्रकार आप लोगों के द्वारा भा०द०सं० की धारा- 201 सपठित धारा- 34 के तहत दण्डनीय अपराध कारित किया गया है, जो इस न्यायालय के प्रसंज्ञान में है।

7. Appellants pleaded not guilty and accordingly they were put up for trial.

8. At the trial, besides the above noted documentary evidence the prosecution has set up the case of circumstantial evidence. It relied on oral testimony of Mahesh Chandra-first informant (P.W.1); Bantu Babu-brother of the deceased (P.W.2), Rampoot and Ramveer Singh (P.W.3 and P.W.6), both, *Panch* witness. It also produced two other witnesses, Rakesh Kumar and Punjabi Singh (P.W.4 and P.W.5). However, they turned hostile. Thereafter, formal witnesses-Pravesh Kumar, Sub Inspector, who conducted inquest proceedings, was examined as P.W.8 and Surendra Singh, Incharge Inspector, who has completed investigation and submitted charge sheet, was examined as P.W.9. Lastly, prosecution has examined Dr. B. S. Sodhi as P.W.10, who conducted autopsy.

9. Thereafter, statements under Section 313 Cr.P.C. were recorded.

10. Further, the defence led evidence in the shape of witness-Rajiv Kumar as D.W.1, though listed as prosecution witness in the charge sheet but he was never produced by the prosecution. He was produced as defence witness. He claimed that he had not seen the occurrence. Lastly, Shri Dheeraj Pachauri was produced, who is the owner of gymnasium and was examined as D.W.2.

11. Thereupon, learned court below has found the prosecution case to be proven on the strength of circumstantial evidence. Arising from the occurrence as reported in the F.I.R. and as corroborated by the further evidence of last seen at about 6:00 p.m., it has been held by the court below that there was motive for the appellants to cause the occurrence for the reason of love relationship formed between the deceased and the sister of the accused-Ramakant. That has been found

corroborated with the recovery of blood stained blade of knife, at the pointing out of the appellants.

12. Submission of learned counsel for the appellants is, in absence of any direct evidence the prosecution story is based solely on circumstantial evidence. The unbroken chain of circumstances was never proved beyond reasonable doubt for more than one reason. First, the occurrence of the deceased accompanied with the accused has been doubted on two aspects. In that regard it has been asserted that the owner of the gymnasium-D.W.2 clearly denied the fact that the deceased and his brother Bantu Babu visited his gymnasium on 16.10.2011. He also refused to identify the accused persons. Second, inconsistencies have been cited in the version of P.W.1 and P.W.2 inasmuch as though according to the first informant (P.W.1) he had seen the accused persons with the deceased at about 6:00 p.m. while all five persons were travelling on two motorcycles, Bantu (P.W.2) narrated that he had seen the deceased along with four accused persons on 16.10.2011 at 6:00 p.m. That occurrence had never been seen by P.W.2 as has further been demonstrated during his cross-examination.

13. Secondly, it has been submitted that even if above occurrence is accepted to be proven, it may never be enough for the prosecution to succeed. Relying heavily on the autopsy report, as proved by Dr. B. S. Sodhi (P.W.10), it has been strenuously urged that the occurrence of death was proved by that prosecution witness about forty eight hours before conduct of autopsy at about 2:00 p.m. on 19.10.2011. Accordingly, the occurrence, as proved by the prosecution, could not occur prior to afternoon of 17.10.2011. Considering the last seen evidence brought by the prosecution of not later on 6:00 p.m. on 16.10.2011, it has been strenuously urged that there is break in the chain of circumstances brought by the prosecution.

14. Third, it has been submitted that it is wholly doubtful that the occurrence, took place in the manner disclosed by the prosecution. On one hand, the prosecution story narrates motive and threat of dire consequences parted out to the first informant-Mahesh Chandra (P.W.1) for the reason of love relationship formed between the sister of the accused-Ramakant and the deceased, at the same time the prosecution alleges that the deceased accompanied the accused persons without any objection on their request to help them buy a mobile phone.

15. It has been next submitted that in that circumstances, the fact that no F.I.R. or missing report came to be lodged for more than 24 hours after the disappearance of the deceased, that despite the fact that the first informant-Mahesh Chandra was suspecting the accused, itself introduces incredibility in the prosecution story based on circumstantial evidence. Then doubt has been raised to the recovery of knife blade. In absence of any independent witness to prove that recovery, it has been submitted that the court below has erred in relying on that recovery. According to the defence, the recovery is planted as is also evident from the fact that only blood stained blade of knife was found and the grip of the knife was not found. As to the forensic report, it has been submitted that the same is inconclusive inasmuch as it discloses presence of human blood but not the blood of the deceased on the blade of knife. Doubt has been further raised upon the circumstance that in the F.I.R. and Panchayatnama same time is mentioned as 3:30 p.m., though the dead body of the deceased was recovered about 7.0 kilometers from the police station. Thus, it is strenuously alleged that after the dead body was discovered the F.I.R. came to be lodged by way of an afterthought to implicate the accused persons for the reason of other disputes.

16. This case being a case of circumstantial evidence, no corroborative material was ever proven at the trial. Though the deceased was described to be a person well conversant and having deep interest in mobile phones and for such reason he is alleged to have accompanied by the accused persons to buy a mobile phone and though F.I.R. itself narrates that the deceased was carrying his mobile phone which stopped responding to the calls made by P.W.1 from the night of occurrence on 16.10.2011, no call detail report whatsoever were obtained and no electronic evidence exists to establish the presence of the accused-appellants at the place of occurrence, i.e., Power Gym on 16.10.2011 or the presence of accused persons with the deceased for any duration from the afternoon of 16.10.2011 to the time of his death.

17. Critically, it has also been submitted that no independent witness was examined by the prosecution. Though, Ravindra was described to have also seen the accused persons travelling with the deceased on 16.10.2011 at 6:00 p.m., but he was never examined at the trial. Other witnesses produced by the prosecution namely, P.W.4, P.W.5 and P.W.7 turned hostile. Thus, the prosecution version was not supported by these witnesses.

18. In such circumstances, reliance has been placed on the principles of law contained in three-judge bench decision of the Supreme Court in the case of **Sharad Birdhichand Sarda Vs. State of Maharashtra : (1984) 4 SCC 116**, to submit that the chain of circumstances was not proven beyond reasonable doubt. The relevant para-153 of the said judgments reads as under:

“153. A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established:

(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established.

It may be noted here that this Court indicated that the

circumstances concerned 'must or should' and not 'may be' established. There is not only a grammatical but a legal distinction between 'may be proved' and 'must be or should be proved' as was held by this Court in Shivaji Sahabrao Bobade & Anr. v. State of Maharashtra(1973) 2 SCC 793 where the following observations were made: [SCC para 19. p. 807 : SCC (Cri) p. 1047]

Certainly, it is a primary principle that the accused must be and not merely may be guilty before a court can convict and the mental distance between 'may be' and 'must be' is long and divides vague conjectures from sure conclusions.

(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.”

19. Learned counsel for the appellants has also relied upon the judgment of Hon’ble Supreme Court in the case of **Raju @ Rajendra Prasad Vs. State of Rajasthan : Laws (SC)-2022-9-83**. In that, it has been observed:

“7.1 At the outset, it is required to be noted that the case rests on the circumstantial evidence. There is no direct evidence by which it can be said that the appellants killed or committed the murder of the deceased. There is no direct evidence recorded indicating involvement of the appellants in the crime and as observed hereinabove, the case of the prosecution is based on the circumstantial evidence. As held by this Court in a catena of decisions, in case of a circumstantial evidence, the circumstances, taken cumulatively, should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else and the circumstantial evidence in order to sustain conviction must be complete and incapable of explanation of any other hypothesis than that of the guilt of the accused and such evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence.”

20. In **Babu v. State of Kerala, (2010) 9 SCC 189**, the Supreme Court observed as under :

“22. In Krishnan v. State [(2008) 15 SCC 430], this Court after considering a large number of its earlier judgments observed as follows : (SCC p. 435, para 15)

‘15. ... This Court in a series of decisions has consistently held that when a case rests upon circumstantial evidence, such evidence must satisfy the following tests:

(i) the circumstances from which an inference of guilt is sought to be drawn, must be cogently and firmly established;

(ii) those circumstances should be of definite tendency unerringly pointing towards guilt of the accused;

(iii) the circumstances, taken cumulatively, should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else; and

(iv) the circumstantial evidence in order to sustain conviction must be complete and incapable of explanation of any other hypothesis than that of the guilt of the accused and such evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence. (See Gambhir v. State of Maharashtra [(1982) 2 SCC 351].)’”

21. In **G. Parshwanath Vs. State of Karnataka, (2010) 8 SCC 593** the Supreme Court observed as under :

“23. In cases where evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should, in the first instance, be fully established. Each fact sought to be relied upon must be proved individually. However, in applying this principle a distinction must be made between facts called primary or basic on the one hand and inference of facts to be drawn from them on the other. In regard to proof of primary facts, the court has to judge the evidence and decide whether that evidence proves a particular fact and if that fact is proved, the question whether that fact leads to an inference of guilt of the accused person should be considered. In dealing with this aspect of the problem, the

doctrine of benefit of doubt applies. Although there should not be any missing links in the case, yet it is not essential that each of the links must appear on the surface of the evidence adduced and some of these links may have to be inferred from the proved facts. In drawing these inferences, the court must have regard to the common course of natural events and to human conduct and their relations to the facts of the particular case. The court thereafter has to consider the effect of proved facts.

24. In deciding the sufficiency of the circumstantial evidence for the purpose of conviction, the court has to consider the total cumulative effect of all the proved facts, each one of which reinforces the conclusion of guilt and if the combined effect of all these facts taken together is conclusive in establishing the guilt of the accused, the conviction would be justified even though it may be that one or more of these facts by itself or themselves is/are not decisive. The facts established should be consistent only with the hypothesis of the guilt of the accused and should exclude every hypothesis except the one sought to be proved. But this does not mean that before the prosecution can succeed in a case resting upon circumstantial evidence alone, it must exclude each and every hypothesis suggested by the accused, howsoever, extravagant and fanciful it might be. 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, where various links in chain are in themselves complete, then the false plea or false defence may be called into aid only to lend assurance to the court.”

22. Then in **Rambraksh alias Jalim Vs. State of Chhatisgarh : (2016) 12 SCC 251**, the Supreme Court has further observed as below:

“12. It is trite law that a conviction cannot be recorded against the accused merely on the ground that the accused was last seen with the deceased. In other words, a conviction cannot be based on the only circumstance of last seen together. Normally, last seen theory comes into play where the time gap, between the point of time when the accused and the deceased were seen last alive and when the deceased is found dead, is so small that possibility of any person other than the accused being the perpetrator of the crime becomes impossible. To record a conviction, the last seen together itself would not be sufficient and the prosecution has to complete the chain of circumstances to bring home the guilt of the accused.”

23. On the other hand, learned A.G.A.-I would submit that there is nothing to doubt the occurrence of disappearance of the deceased with the appellants on 16.10.2011. They were also seen with the deceased on 16.10.2011 at about 6:00 p.m. by P.W.1. No one saw the deceased, thereafter. His dead body was discovered on 19.10.2011 from an irrigation canal. As to the recovery, there is no doubt. Referring to the motive offered by the prosecution with regard to the love relationship of the deceased with the sister of accused-Ramakant Baghel, it has been submitted that the appellants alone could explain the occurrence. Since they have not offered any reasonable explanation and there is no doubt that the deceased was last seen accompanying the accused persons, the learned trial court has not erred in convicting the appellants. This being heinous offence of murder, the accused-appellants have rightly been convicted and sentenced.

24. Learned counsel for the informant submits that he has adopted the submissions as advanced by the learned A.G.A.-I.

25. Having heard the learned counsel for the parties and having perused the record, as to the presence of accused-appellants along with the deceased on 16.10.2011 at about on 6:00 p.m. there is no doubt. After that, and till the discovery of the dead body, the chain of circumstances must be complete to establish the occurrence. Then, each link or the chain of circumstances must be proven beyond reasonable doubt as may clearly indicate to the court that conclusion of guilt is fully established and 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 of any other hypothesis except that the accused is guilty. The circumstances should be of conclusive nature and tendency. Those circumstances, thus proven, should exclude all other hypothesis, except the one to be proved and the chain of evidence must be complete so as not to leave any reasonable ground for a conclusion

consistent with the innocence of the accused. It must be shown that in all human probability, the act must have been done by the accused.

26. Here, the only consistent fact exists that the prosecution witnesses namely P.W.1 and P.W.2 sought to prove the presence of the accused persons outside Power Gym and of taking the deceased with them, upon request to accompany them to help buy a mobile phone.

27. Though, learned A.G.A.-I and the learned counsel for the informant would assert that this testimony was consistent and could not be doubted, at the same time, the statements of P.W.1 and P.W.2 are not wholly consistent inasmuch as according to Mahesh Chandra (P.W.1), P.W.2 he along with Ravindra Upadhyaya had called the deceased who was seen travelling with the accused persons, yet Ravindra Upadhyaya was not examined. At the same time, P.W.2, during his examination-in-chief clearly denied that he had seen that later occurrence. In such facts, we cannot completely ignore the defence evidence in that regard. Dheeraj Pachauri (D.W.2), the owner of the said Power Gym has appeared as a defence witness and from his testimony adduced at the trial, it emerged that the deceased and Bantu did not visit his gymnasium on 16.10.2011. It was for the prosecution to cross examine the said witness to impeach the credibility of that witness or that the truthfulness of such statement was doubtful. Strangely, the prosecuton did not cross examine the said witness.

28. It also cannot be ignored that after 6:00 p.m. on 16.10.2011, till the discovery of the dead body in the afternoon on 18.10.2011, no one saw the deceased for almost forty eight hours yet, no F.I.R. was lodged, earlier. Then, in the opinion of Dr. B. S. Sodhi (P.W.10), death was caused about forty eight hours prior to the autopsy conducted on 19.10.2011. That was vital evidence in the context of circumstantial evidence relied by the prosecution. The prosecution did not question

the statement of this witness also- as to the time of death described by him. Dr. B. S. Sodhi (P.W.10) was not recalled by the prosecution to explain if death may have been caused beyond forty eight hours from the autopsy conducted. Thus, according to the prosecution the deceased may have been done to death in the afternoon of 17.10.2011, more than 18 hours after his disappearance.

29. Then as to the recovery of knife, the same is doubtful in view of the law laid down by the Supreme Court in **Shivaji Sahabrao Bobade & Anr. v. State of Maharashtra(1973) 2 SCC 793**. Neither there is any independent witness nor compliance of law has been shown-with respect to the disclosure made by the police. No independent witness was produced at the trial to prove the recovery.

30. The motive, also remains unproven. Besides making oral statement, no evidence was led as to the existence of any relationship formed between the sister of the appellant-Ramakant Baghel and the deceased.

31. In view of the above, we find that prosecution has failed to fulfill the test of circumstantial evidence. Neither chain of evidence is complete, nor it is proven that the occurrence could have been caused only by the appellants. For the reasons noted above, reasonable doubts are noticed by this Court as to the occurrence described to have been committed outside the gymnasium on 16.10.2011 involving the accused persons. Also doubts exist with respect to the recovery of weapon of assault. Moreover, referring to the time gap between the disappearance of the deceased and discovery of his dead body, the death was not caused soon thereafter but on 17.10.2011 around afternoon. Thus, the chain of circumstances is found incomplete. The benefit of doubt in that regard must be given to the accused persons. If at all, a weak motive brought was also not clearly established. Accordingly, we find that the learned court below has erred in reaching a conclusion of conviction of

the accused-appellants, in face of such doubts accompanied with the further doubt created by D.W.2 as to the presence of the appellants at the place Power House Gym at about 5:00 p.m. and again at 6:00 p.m., while travelling with the appellants. Possibilities exist that the occurrence may have been caused otherwise than narrated by the prosecution.

32. Consequently, this appeal succeeds and is **allowed**. The judgment and order dated 06.02.2019 passed by Shri Manoj Kumar Singh-III, learned Additional Sessions Judge-VII, Firozabad in Sessions Trial No. 310 of 2012 (State Vs. Ramakant Baghel and Devendra Kumar Baghel alias Deva), arising out of Case Crime No. 516 of 2011, under Sections 302, 201 I.P.C., Police Station Shikohabad, District Firozabad, is set aside. The appellants are acquitted from the charges of offence. Since both the appellants have already been released on bail, as such, their sureties and bonds shall stand discharged subject to compliance of Section 437A Cr.P.C.

33. The trial Court record along with the copy of this judgement and order be transmitted to the court concerned forthwith.

34. Let a copy of this judgment be sent to the Jail Authorities concerned and the court concerned for compliance.

35. In view of the aforesaid, all the pending applications of this appeal, if any also stands disposed.

Order Date :- 5.2.2025

Mustaqeem.

(Dr. Gautam Chowdhary, J.)

(S. D. Singh, J.)