

IN THE HIGH COURT OF JUDICATURE AT PATNA

**CRIMINAL APPEAL (DB) NO.153 OF 1993
WITH
CRIMINAL APPEAL (DB) NO. 164 OF 1993**

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AGAINST THE JUDGMENT OF CONVICTION AND THE ORDER OF SENTENCE, DATED 06TH MARCH, 1993, PASSED BY SHRI PRABHU NATH PRASAD, 3RD ADDITIONAL SESSIONS JUDGE, MUNGER, IN SESSIONS CASE NO. 579 OF 1986, ARISING OUT OF ARIARI POLICE STATION CASE NO. 86 OF 1985

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1. AWADH PRASAD, SON OF KESHO PRASAD
2. UMESH RAUT, SON OF BINDA RAUT,
3. KUMHRA CHAURASIA, SON OF RAM PATI CHAURASIA
ALL RESIDENT OF VILLAGE AIFANI, POLICE STATION ARIARI,
DISTRICT MUNGER

.... **APPELLANTS (IN CR. APP. NO. 153 OF 1993)**
WITH

SURENDRA PRASAD, SON OF RAM NANDAN PRASAD, RESIDENT
OF VILLAGE AIFANI, POLICE STATION ARIARI, DISTRICT MUNGER

..... **APPELLANT (IN CR. APP. NO. 164 OF 1993)**
VERSUS

STATE OF BIHAR.... **RESPONDENT (IN BOTH APPEALS)**

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APPEARANCE :
(IN CR. APP (DB) NO. 153 AND 164 OF 1993)

FOR THE APPELLANTS : MR. NEERAJ KUMAR @ SANIDH,
AMICUS CURIAE

FOR THE STATE : MR. AJAY MISHRA, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
AND
HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE I. A. ANSARI)

Date: 12-02-2015

Is the principle that a first information report need not be an encyclopedia of the prosecution's case so rigid, inflexible and invariable that omission to mention, in a First Information Report, every fact, material or otherwise, must

necessarily be ignored?

2. A correct answer to the question posed above, will determine the outcome of the present two appeals, which have arisen out of the judgment, dated 06.03.1993, passed, in Sessions Case No. 579 of 1986, by learned 3rd Additional Sessions Judge, Munger, convicting the accused-appellants, namely, Awadh Prasad, Umesh Raut and Kumhra Chaurasiya, under Section 302 read with Section 34 of the Indian Penal Code and also convicting the accused-appellant Surendra Prasad, under Section 302 of the Indian Penal Code. Following their conviction, the accused-appellants have been sentenced to undergo imprisonment for life.

3. The prosecution's case, as unfolded by the First Information Report, may, in brief, be described as under:

(i) On 17.10.1985, at about 11:00 PM, while the informant, Suresh Prasad (PW 1), was tying his buffaloes, he heard the cries of his nephew, Uday Shankar Prasad (PW 2), saying that having killed *bhaiya* (i.e., his elder brother), the miscreants were running away. On hearing the cries of his nephew so raised, when the informant (PW 1) was running towards the west, he saw accused Surendra Prasad, armed with *katar*, accused Awadh Prasad, armed with a gun and accused Umesh Raut and Kumhra Chaurasiya, armed with rifles, running away. When the informant (PW 1) reached the



courtyard of one Kishore Babu, the informant found his nephew, Anirudh Prasad @ Tunna, lying dead on a cot with injury on his head. Near the injured, informant's another nephew, Uday Shankar Prasad (PW 2), was crying. On the cries being heard, informant's co-villagers, namely, Nand Kishore (PW 4), Brij Nandan (PW 3), Sitaram (not examined) and Pramod Prasad (PW 11) and some others came there.

(ii) Based on the information so given by the informant at Ariari Police Station and treating the same as First Information Report, Ariari Police Station Case No. 86 of 1985, under Section 302 of the Indian Penal Code, was registered against four accused persons, namely, Surendra Prasad, Awadh Prasad, Umesh Raut and Kumhra Chaurasiya, who were named in the First Information Report as indicated above.

(iii) During investigation, police held inquest over the said dead body, which was also subjected to *post mortem* examination and, on completion of investigation, laid *charge sheet* against accused persons aforementioned

4. At the trial, when a charge, under Section 302 read with Section 34 of the Indian Penal Code, were framed against the accused aforementioned, they all pleaded not guilty thereto.

5. In support of their case, prosecution examined



altogether 11 (eleven) witnesses. The accused persons were, then, examined under Section 313 (1) (b) of the Code of Criminal Procedure and, in their examinations aforementioned, the accused persons denied that they had committed the offence, which was alleged to have been committed by them, the case of the defence being that of denial. The defence also adduced evidence by examining two witnesses to show that on hearing *hulla*, when some co-villagers arrived at the scene of occurrence, no one had disclosed or was heard mentioning the names of the accused aforementioned as the assailants.

6. Having, however, arrived at the finding that the accused-appellant, namely, Surendra Prasad, had been proved guilty of the charge, under Section 302 of the Indian Penal Code and the accused-appellants, namely, Awadh Prasad, Umesh Raut and Kumhra Chaurasiya, had been proved guilty of the charge, under Section 302 read with Section 34 of the Indian Penal Code, the learned trial Court convicted them accordingly. Following their conviction, sentence of life imprisonment has been passed against the convicted persons as mentioned above.

7. Aggrieved by their conviction and the sentence passed against them, all the accused, as convicted persons, have preferred appeals. While Criminal Appeal (DB) No. 153 of 1993 has been preferred by the accused-appellants, namely,

Awadh Prasad, Umesh Raut and Kumhra Chaurasiya, who stood convicted under Section 302 read with Section 34 of the Indian Penal Code, Criminal Appeal (DB) No. 164 of 1993 has been preferred by the sole accused-appellant, Surendra Prasad, who stands convicted under Section 302 of the Indian Penal Code *simplicitor*.

8. Both these appeals, having arisen out of the impugned judgment, dated 06.03.1993, have been heard together and are being disposed of by this common judgment and order.

9. We have heard Mr. Neeraj Kumar @ Sanidh, learned Counsel, as Amicus Curiae, and Mr. Ajay Mishra, learned Additional Public Prosecutor, appearing on behalf of the State.

10. While considering the present appeals, it may be noted that out of the 11 witnesses examined by the prosecution, the informant (PW 1) and his nephew (PW 2) are the ones, who have supported the case of the prosecution by implicating the accused aforementioned in the alleged assault on, and killing of, Anirudh Prasad. As far as PW 4 (Nand Kishore) and PW 6 (Manoj Kumar) are concerned, they were declared hostile and nothing could be, admittedly, elicited from their cross-examinations by the prosecution, which could be said to have supported the case of the prosecution. As far

as PW 3 (Brij Nandan Singh) and PW 9 (Naresh Prasad) are concerned, their evidence were, admittedly, nothing, but hearsay and have to be, therefore, kept excluded from the purview of this Court's consideration.

11. As regards PW 5 (Ram Kishore Singh) and PW 10 (Arjun Prasad), suffice it to point out that they were tendered as witnesses and no substantive evidence have been elicited from either of them by the prosecution to support the charge brought against the accused-appellants.

12. Bearing in mind the above aspects of the prosecution's case, we come to the evidence of PW 7 (Dr. Aftab Faiz), who had, admittedly, conducted *post mortem* examination on the dead body of Anirudh Prasad on 19.10.1985, at 02:30 PM. According to this witness's evidence, he found following *ante mortem* injuries on the dead body of Anirudh Prasad:

"(i) *Incised wound 10" x 3" x bone deep, situated on the left side starting from the mastoid process extending up to the right eye cutting the left ear temporal, zygomatic process frontal and maxillary bone. Left eye was absent and its orbit was completely reshaped and fractured. Nasal bone was cut and fractured.*

(ii) *Sharp cut on the left side of the elbow (left elbow) cutting the skin*

muscle and bone in the left elbow joint, size 4" x 2".

ON DISSECTION:

Brain matter was coming out through injury No. (i). Brain matter was lacerated, blood clot and brain matter and bone chips were present in the injury No. (i). Soft tissues and blood vessels traversing through injury No. (i) were cut."

13. In the opinion of the doctor (PW 7), death was caused due to shock and hemorrhage as a result of the injuries aforementioned, the injuries being sufficient to cause death in the ordinary course of nature and the weapon of the offence being sharp-cutting weapon, such as, *katar*.

14. Nothing, in particular, was elicited by the defence to show that the findings of the doctor and/or his opinion, with regard to the cause of death and/or the nature of the weapon used, was incorrect. This apart, we, too, do not find anything inherently incorrect or improbable in the evidence given by PW 7.

15. It can, therefore, be safely included, and we do conclude, that Anirudh Prasad died as a result of having sustained the injuries as have been mentioned by the doctor (PW 7) and the shock and hemorrhage, which resulted from the *ante mortem* injuries aforementioned, became the cause of his death and that the injuries, which had been inflicted on, and sustained by, the said deceased, were sufficient to cause

death of a person in the ordinary course of nature, the weapon of offence being a sharp-cutting weapon, such as, *katar*.

16. What also clearly follows from the discussion of the medical evidence on record is that the death of the said deceased was *homicidal* in nature. Whether the accused-appellants were the ones, who had caused the death, of Anirudh Prasad @ Tunna, therefore, falls for consideration.

17. As already indicated above, in order to support their case, prosecution has relied upon the evidence of PW 1 and PW 2.

18. According to the evidence of the informant, PW 1 (Suresh Prasad) on the day of the occurrence, at about 11:00 PM, he had gone to tie his buffaloes and at that time, he heard the cries of his nephew, Uday Shankar Prasad (PW 2), and when he went near the courtyard of Kishore Babu, he saw, with the help of torch light, accused Surendra Prasad, armed with *Katar*, Awadh Prasad, armed with a double barrel gun, and Kumhra Chaurasiya and Umesh Raut, armed with rifles, running away towards west. According to the evidence of this witness (PW 1), when he reached the courtyard of Kishore Babu, he (PW 1) saw his nephew, Anirudh Prasad, lying dead, in a pool of blood, on a cot, in the western room, and there was a cut injury on his head and also a hole in his left hand.

19. It is in the evidence of PW 1 that his other

nephew, Uday Shankar Prasad, was sitting there and crying. PW 1 has further deposed that his nephew, Uday Shankar Prasad (PW 2), informed him that while accused Kumhra Chaurasiya caught hold of PW2 by his waist, accused Surendra Prasad gave a blow on the head of the said deceased by means of *katar* (a sharp-edged weapon). It is in the evidence of PW 1 that Nand Kishore, Brij Nandan and Sitaram came there. It is also in the evidence of PW 1 that there was discord between accused Surendra Prasad and the said deceased.

20. Close on the heels of the evidence of PW 1 (informant), the evidence of his nephew, Uday Shankar Prasad (PW 2), is that on the day of the occurrence, at about 11:00 PM, while he was sleeping, on a cot, kept in the courtyard of Kishore Babu and his elder brother, Anirudh Prasad (the said deceased) and Gorelal were inside the room of the said house with the door of the said room locked from inside. It is in the evidence of PW 2 that he woke up on hearing some sound and he found four persons, armed with rifle and gun, standing near the door. It is also in the evidence of PW 2 (Uday Shankar Prasad) that the said four persons were carrying torch, which stood switched on. This witness (PW 2) has claimed to have recognized, in the focus of the torch light, the said four persons as accused, Surendra Prasad, Awadh Prasad, Kumhra Chaurasiya and Umesh Raut aforementioned. It is

claimed, in his evidence, by PW 2 that accused Kumhra Chaurasiya had caught him and told him to keep quiet and forced him to sit on the cot.

21. PW 2 has deposed that Umesh Raut directed him (PW 2) to open the door of the room, where Gorelal was present and, thereafter, three persons, out of four, entered into the room. PW 2 has also deposed that accused Surendra was armed with *Katar*, accused Awadh was armed with gun and accused Kumhra Chaurasiya and accused Umesh Raut were both armed with rifles. PW 2 has further deposed that accused Surendra Prasad gave a blow, by means of *katar*, on the head of Anirudh Prasad to which Anirudh Prasad succumbed and, thereafter, all the accused aforementioned fled away towards western direction.

22. It is the claim of PW 2, in his evidence, that on *hulla* being raised by him, his uncle, Suresh Prasad (PW 1), and many other co-villagers came there and he (PW 2) narrated to them the entire occurrence.

23. While considering the evidence of PW 1 and PW 2, what needs to be noted is that in tune with each other, PW 2 has deposed that it was in his presence that his brother, Anirudh Prasad, was assaulted and killed by the accused-appellants and, upon *hulla* being raised by him, his uncle (i.e., the informant) and other co-villagers came there and he

narrated to them the entire occurrence meaning thereby that PW 2 had not only, according to his evidence, witnessed the entire occurrence of assault on, and killing of, his brother, Anirudh Prasad, but had also narrated the occurrence to his uncle, Suresh Prasad (PW 1), and many other co-villagers, who arrived there on hearing the *hulla* raised by PW 2.

24. Surprisingly enough, however, no co-villager of PW 1 and PW 2 has supported the evidence of PW 2 inasmuch as the witnesses, examined by the prosecution, have not deposed that when they reached the place of occurrence on hearing *hulla*, they were told by PW 2 as to how the occurrence had taken place or who the assailants were.

25. Bearing in mind the above glaringly noticeable features of the prosecution's case, when we revert to the evidence of PW 1, who is the informant, we notice that according to him, he had gone to tie his buffaloes, when he heard the cries of Uday Shankar Prasad (PW 2) and when he went near the courtyard of Kishore Babu, he saw accused Surendra Prasad, armed with *Katar*, Awadh Prasad, armed with a double barrel gun, and accused Kumhra Chaurasiya and accused Umesh Raut, armed with rifles, running towards west. As to how PW 1 could recognize the accused aforementioned in the late hours of the night, it is claimed by PW 1 that the accused were fleeing away with torch switched on and it was

in the focus of the torch light, which the accused were carrying that he had recognized them. It is elementary that if a person is running with a torch light, the light will not fall on his face, but will, naturally, fall on the path on which he is running.

26. It is claimed by PW 1, in his evidence, that when he (PW 1) reached the courtyard of Kishore Babu, he (PW 1) saw Anirudh Prasad, lying dead, in a pool of blood, on a cot, in the western room, and there was a cut injury on his head and also a hole in his left hand. It is in the evidence of PW 1 that his other nephew, Uday Shankar Prasad, was sitting there and crying.

27. We may, now, pause to point out that we have already pointed out that according to the evidence of PW 2, on hearing *hulla*, which he had raised, not only his uncle (PW 1), but also many co-villagers came there and he (PW 2) narrated to them the entire occurrence. Prosecution could not, however, muster even one neighbour or co-villager of PW 2 to corroborate the claim of PW 2 that he had mentioned the names of the assailants to his co-villagers, who had arrived at the place of occurrence on hearing the *hulla* raised by him.

28. Thus, it becomes clear from a combined reading of the evidence of PW 1 and PW 2 that if their evidence were to be believed, then, PW 2 was an eye-witness to the occurrence and, on *hulla* being raised by him, when his uncle

(PW 1) and his co-villagers arrived at the place of occurrence, he told them the entire occurrence, which would obviously include the names of the assailants.

29. Lending support to the evidence of his nephew, PW 2, the informant (PW 1) has claimed, in his evidence, that when he reached the place of occurrence, his nephew told him the entire occurrence including the names of the assailants. If what the two witnesses, PW 1 and PW 2, have so claimed in their evidence were true, there was no reason as to why the First Information Report did not even faintly indicate that the informant (PW 1) had been told by his nephew (PW 2) that he had witnessed the assault on his brother at the hands of the accused aforementioned and/or that the accused aforementioned were the ones, who had killed his nephew, Anirudh Prasad. Far from this, PW 1 merely mentioned, in the First Information Report, that he had seen the accused aforementioned running away towards the west.

30. Relying upon **Gangabhavani v. Rayapati Venkat Reddy and Others**, reported in **2013 (4) PLJR (SC) 345**, Mr. Ajay Mishra, learned Additional Public Prosecutor, has submitted that First Information Report is not an encyclopedia of the prosecution's case and, hence, the omission to mention, in the present case, in the First Information Report, either the fact that PW 2, who had raised

hulla, was a witness to the occurrence or the fact that PW 2 had reported the occurrence, or mentioned the names of the assailants, to PW 1, cannot be regarded so fatal as would make the Court disbelieve the evidence of PW 1 and/or PW 2, and/or discard their evidence as unsafe to place reliance upon.

31. True it is, as we have already indicated above, that First Information Report cannot be treated as an encyclopedia of the prosecution's case. This does not, however, mean, we must hasten to point out, that omission of every fact and, more so, when a fact is material, must be ignored or brushed aside on the basis of the principle that a First Information Report cannot be treated as an encyclopedia of the prosecution's case; or else, even the omission to mention the names of assailants — if the names of the assailants are known to an informant — would have to be ignored on the basis of the principle that First Information Report cannot be treated as an encyclopedia of the prosecution's case.

32. Necessarily, therefore, omission to mention, in the First Information Report, a material fact has to be convincingly explained by the prosecution. There is, in the present case, no explanation offered by the prosecution or its witnesses as to why the First Information Report is completely silent with regard to the fact that PW 2 was an eye-witness to

the occurrence and/or that PW 2 had reported to the informant, Suresh Prasad (PW 1), how the occurrence had taken place and who the assailants were.

33. In fact, the First Information Report, in the present case, does not even mention that the accused-appellants, who were, according to the informant (PW 1), seen running away, had also been seen by anyone as having assaulted and killed Anirudh Prasad. Reference, therefore, made by Mr. Neeraj Kumar, learned Amicus Curiae, to the case of **Arulvelu and Another v. State and Another**, reported in **2010 Cri.L.J. 433**, is not wholly misplaced, wherein the Supreme Court has, at paragraph 16, observed, *"the High Court observed that the FIR cannot be an encyclopedia to contain all the details of history of the case. This approach of the High Court does not seem to be correct. The FIR should, at least, mention a broad story of the prosecution and not mentioning of material and vital facts may affect the credibility of the First Information Report"*.

34. In the backdrop of the position of law as discussed above, when we revert to the case at hand, we find ourselves unable to ignore the fact that in the present case, the First Information Report is wholly silent that anyone had witnessed the occurrence or known as to how the occurrence had taken place, or who the assailants were; rather, what, in

the present case, the First Information Report revealed, at best, was that when *hulla* was raised by PW 2, PW 1 had seen accused aforementioned running away with arms and weapons as have been described in the information given to the police.

35. At any rate, in the face of the omission to reveal, in the First Information Report, vital information that PW 2 had witnessed the occurrence and/or had named the present appellants as the assailants, makes it wholly unsafe to place implicit reliance on the evidence of either PW 1 and/or PW 2.

36. As, in the light of the evidence, which we have discussed above, there can be no escape from the conclusion that PW 1 has made substantial improvement which has remained unexplained, on the first information, which he had given to the police and his claim that his nephew, Uday Shankar Prasad (PW 2) had seen the occurrence or reported the occurrence to him, including the names of the assailants, his evidence cannot, but be said to be wholly false and this improvement has been clearly made by the informant, Suresh Prasad (PW 1), so as to bring in tune with the evidence of PW 2, in order to make the evidence of PW 2, believable; whereas the fact remains that had PW 2 really seen the occurrence, he would have reported the occurrence to his uncle, Suresh Prasad (PW 1), who is the informant of this case, and in that event, the First Information Report, which was lodged in the

case by none other than the PW 1, would have named the accused aforementioned as the assailants and would not have mentioned that they were merely seen running away why the cries raised by PW 2 was heard by PW 1.

37. Even if, therefore, the evidence of PW 1 and PW 2 is not rejected outright, as evidence of wholly unreliable witnesses, their evidence would fall, at best, in the category of those witnesses, who are neither wholly reliable nor wholly unreliable.

38. It is trite that the witnesses, ordinarily, fall into three distinct categories, namely, (i) wholly reliable, (ii) wholly unreliable and (iii) neither wholly reliable nor wholly unreliable. If the witness is wholly reliable, his evidence can be implicitly relied upon and such a witness's testimony can be made basis for conviction of an accused. Similarly, when a witness is found to be wholly unreliable, no reliance can at all be placed on his evidence and his evidence has to be rejected outright. When, however, a witness is found to be neither wholly reliable, nor wholly unreliable, his evidence cannot be accepted as true unless his evidence is found to have been corroborated by some credible independent evidence, direct or circumstantial.

39. The evidence of PW 1 and PW 2, which the prosecution has adduced in the present case, cannot be safely

relied upon unless the same is found to have been corroborated by some credible independent evidence, direct or circumstantial.

40. It is also an undisputed proposition of law that one infirm witness cannot be treated to have corroborated the evidence of another infirm witness meaning thereby that witnesses of same brand cannot be taken to have corroborated each other. Thus, when a witness is neither wholly reliable nor wholly unreliable, his evidence cannot be taken to have been corroborated by a witness of the same brand, namely, a witness, who is neither wholly reliable nor wholly unreliable, for, evidence is not to be counted, but weighed. It is not the number of the witnesses, which determines the outcome of a trial; rather, it is the inherent falsity or truth of the evidence given by the witness, which decides the outcome of trial. If each one of a large number of witnesses is found to be wholly unreliable, their evidence cannot become acceptable as true merely because a large number of similar brand of witnesses has corroborated each other.

41. A reference, with regard to the above position of law, may be made to the case of **Muluwa, S/o Binda and others Vs. The State of Madhya Pradesh, [AIR 1976 SC 989]**, wherein the Supreme Court has observed as follows :

"It is elementary that the

evidence of an infirm witness does not become reliable merely because it has been corroborated by a number of witnesses of the same brand; for, evidence is to be weighed not counted. Since the evidence of P.Ws. 5 and 6 suffered from the same infirmities as that of Smt. Jugatia, it cannot be said that the trial Judge had no basis, whatsoever, for stigmatising it as unreliable."

(Emphasis is added)

42. Situated thus, it becomes clear that merely because PW 1 and PW 2 have given evidence corroborating each other's evidence, their evidence cannot be made basis for holding them truthful witnesses, when each one of them is a witness, who is neither wholly reliable nor wholly unreliable, for, one infirm witness cannot be treated to have corroborated the evidence of another infirm witness.

43. Coupled with the above, the evidence of PW 2 shows that he recognized the assailants in the light of torch, which the assailants were holding. Bringing his evidence in tune with the evidence of his nephew (PW 2), the informant (PW 1) claims, in his evidence, that the accused were moving with the help of torch light and it was because of the torch light that he had identified the accused, while they were running away. This fact, too, was not mentioned in the First Information Report. We may have been able to ignore the



omission to mention the source of identification of the accused-appellants by PW 1 provided that we could have treated the evidence of PW 1 as evidence of a wholly reliable witness. When, however, the evidence of PW 1 is not evidence of a witness who can be described as wholly reliable, we have no option, but to hold that it was to bring his evidence in tune with the evidence of his nephew (PW 2) that the informant (PW 1) has deposed, in his evidence, that the accused were moving with the help of torch light and he had recognized them in the focus of the torch light. The improvement, so made by PW 2 on the earliest information, which he (PW 1) had given to the police, when the occurrence was fresher in his mind, shows that he has been made substantially improvements on his previous statement made in the First Information Report. This apart, as we have already indicated above, the defence has adduced evidence by examining two witnesses to show that when these two defence witnesses arrived at the scene of the occurrence on hearing *hulla*, no one was found to mention the names of the present appellants as the assailants of Anirudh Prasad. Merely because the two witnesses are defence witnesses, their evidence cannot be rejected as evidence of interested persons.

44. In every case, source of light enabling a person to see an assailant or a person running away and/or

recognizing him may not be fatal; but in the facts and attending circumstances of the present case, this aspect assumes importance inasmuch as PW 1 is a witness, who is found to have made substantial improvements on his earliest information, which he had given to the police, while reporting the occurrence.

45. Situated thus, we find that the evidence adduced by the prosecution with the help of PW 1 and PW 2, endeavoring to fasten the accused-appellants with the death of Anirudh Prasad, is not only unreliable, but wholly unsafe.

46. At any rate, therefore, in the facts and attending circumstances of the present case, the accused-appellants ought to have been accorded benefit of reasonable doubt inasmuch as the prosecution had failed, in the light of the discussion of the evidence on record, to bring home the charge against the accused appellants beyond all reasonable doubt.

47. In the result and for the foregoing reasons, we allow this appeal. The impugned conviction of the accused-appellants and the sentences passed against them by the judgment and order, under appeal, are hereby set aside. The accused-appellants are held not guilty of the offence, which they stand convicted of, and they are hereby acquitted of the same under benefit of doubt.

48. Since both the accused-appellants are on bail, their bail bonds are hereby cancelled and their sureties shall stand discharged.

49. Let the Amicus Curiae be paid a fee of Rs. 5,000/-.

50. Registry shall, forthwith, send a copy of this judgment and order to the learned trial Court along with the Lower Court Records.

(I. A. Ansari, J.)

(Samarendra Pratap Singh, J.)

Prabhakar Anand/-
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