

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1116 OF 2006

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|---------------------------------------|---|-------------------|
| 1. Mahesh Sanjay Bansode |] | |
| Age : 20 Years, Occ.: Unemployed, |] | |
| R/at Gajanan Apartment, Room No.201, |] | |
| Sector 23, Juinagar, Mumbai. |] | |
| |] | |
| Originally residing at & post Shirul, |] | |
| Taluka Patoda, District Beed. |] | |
| |] | |
| 2. Vishnu @ Ajay @ Nitin Vijay Sawant |] | |
| Age : 19 Years, Occ.: Unemployed, |] | Appellants / |
| R/at Madhavi Chawl, Room No.1, |] | (Org. Accused |
| Sector – 23, Juinagar, Navi Mumbai. |] | Nos.2 and 5) |

Versus

The State of Maharashtra	]	 Respondent
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Mr. Satyavrat Joshi, Appointed Advocate, for
Appellant No.1.

Dr. Yug Mohit Chaudhary for Appellant No.2.

Smt. V.R. Bhosale, A.P.P. for the Respondent-State.

CORAM : P.V.HARDAS &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 5TH MAY, 2015.

ORAL JUDGMENT [Per Dr. Shalini Phansalkar-Joshi, J.] :

1. The Appellants, who are convicted by the Additional Sessions Judge, Raigad-Alibag in Sessions Case No.10 of 2006, by the Judgment dated 16th September, 2006 for the offence punishable under Section 302

r/w. 34 of the IPC and Section 3 punishable under Sections 25 and 27 of the Arms Act and sentenced to suffer imprisonment for life and to pay fine of Rs.1,000/- each, in default to undergo R.I. for one year, on the first count, and R.I. for six months and to pay fine of Rs.5,00/- each, in default to suffer further R.I. for for 15 days, on the second count, by this Appeal challenge their conviction and sentence.

2. Facts, as are necessary, for deciding this Appeal may be stated as under :-

On 22nd February, 2005, while PW-8 PSI Sham Khetre was on duty at Nhava Sheva Police Station, at about 8:30 am, he received telephonic message that there has been a firing at Village Jaskhar, near lake. Therefore, along with Constable Thakur, he immediately went to the spot. There he found one person lying in the room of a chawl with deep bleeding injury on the right side of the head. As the said injured was alive, PW-8 PSI Khetre immediately shifted him to Indira Gandhi Rural Hospital at Uran. The Doctor on duty examined the injured and declared to have been "brought dead". PW-8 PSI Sham Khetre, therefore, rushed to the hospital and made Inquest Panchanama (Exhibit-19) on the dead body. At the time of Inquest Panchanama, he has also seized the clothes of the deceased under Panchanama (Exhibit-21). The Medical Officer on duty at

Indira Gandhi Rural Hospital, Uran conducted the postmortem examination on the dead body and recovered bullet from the head of the deceased. The said bullet was handed over by him in sealed envelope to PW-8 PSI Sham Khetre. He seized it under Panchanama (Exhibit-20).

3. From the hospital, PW-8 PSI Sham Khetre again returned to the spot of incident. The spot was shown to him by the witnesses present. He made the Scene of Offence Panchanama (Exhibit-34), recording the factual position on the spot. From the spot, he collected the stains of blood scrapping and a pair of foot-wear and seized them under Panchanama (Exhibit-34).

4. Meanwhile, PW-1 Sushan Jagdev had gone to Nhava Sheva Police Station and has lodged complaint (Exhibit-16) in respect of the incident of firing. The said complaint was recorded by PSI Avad. On the said complaint, PSI Avad has registered C.R. No.11 of 2005 against the four persons by name Prafulla Nandi, Suraj, Nana and Kuna. Further investigation of the case was handed over to PW-10 PI Ramesh Shivdas.

5. PW-10 PI Ramesh Shivdas, on being entrusted with the investigation of the case, has carried out the same with the assistance of PW-9 PSI Ravindra Daundkar. On 24th February, 2005, PW-9 PSI

Ravindra Daundkar recorded the statements of some of the witnesses and continued with the inquiry. On 4th March, 2005, PW-1 Sushan, PW-2 Shankar, PW-3 Kumar and PW-7 Madan approached him on their own and from their statements, involvement of the present Appellants and three co-Accused by name Babasaheb Paradhe, Amit Bhatnagar and Banty Walmiki was transpired in the offence. Hence the search of these three Accused and the Appellants was taken. On 15th March, 2005, the information was received from the Neral Police Station that these five Accused were arrested and hence they were brought under transfer warrant to Nhava Sheva Police Station. All these five Accused were produced in the Court on 16th March, 2005 and their police custody remand was obtained till 21st March, 2005.

6. During police custody, on 18th March, 2005, Accused No.5-Vishnu expressed his willingness to show the place where the country made pistol, which was used in commission of the offence, was concealed. His statement was reduced to Memorandum Panchanama (Exhibit-36) in the presence of PW-6 Panch Sharad Patil. Thereafter, Accused No.5-Vishnu guided the Police and Pancha to his house at Juinagar in Madhavi Chawl. In the house, from the suite-case, he produced the country made pistol, which came to be seized under Panchanama (Exhibit-37). On 3rd March,

2005, PW-10 PI Ramesh Shivdas sent all the seized articles to the Chemical Analyzer vide requisition (Exhibit-24). Further investigation of the case was then handed over to PW-11 PI Vithalrao Desai with effect from 17th April, 2005 on account of transfer of PW-10 PI Ramesh Shivdas.

7. On receiving investigation of the case, PW-11 PI Desai sent requisition letter on 26th April, 2005 to the Special Executive Magistrate for conducting Test Identification Parade, (*for short "the TIP"*), of the arrested Accused. On 10th May, 2005, PW-12 Special Executive Magistrate Supriya Karmarkar conducted the TIP of the Accused, in which Accused No.2- Mahesh and Accused No.5-Vishnu, the present Appellants, were identified by the witnesses. The Memorandum Panchanama of the TIP was submitted vide Exhibit-29 to PW-11 PI Desai. On 12th May, 2005, he sent country made pistol, seized at the instance of the Accused No.5-Vishnu from his house, to Ballistic Expert vide requisition (Exhibit-25). The report of the Ballistic Expert was received vide Exhibit-27, confirming that the bullet found at the time of postmortem examination in the head of the deceased was fired from the pistol seized at the instance of Accused No.5-Vishnu. On receipt of this report of Ballistic Expert, PW-11 PI Desai submitted written report to the Commissioner of Police seeking permission for prosecution of the Accused for the offence under Section 3 punishable

under Sections 25 and 27 of the Arms Act. On 3rd September, 2005, the sanction was received vide Exhibit-30. Hence, further to completion of investigation, the Charge-Sheet came to be submitted to the Court against the Accused on 30th September, 2005.

8. On the case being committed to the Sessions Court, the Trial Court framed charge against the Accused vide Exhibit-7. The Accused pleaded not guilty and claimed trial.

9. In support of its case, Prosecution examined 12 witnesses and on appreciation of their evidence, the Trial Court acquitted Accused Nos.1, 3 and 4 of all the charges leveled against them. The present Appellants, who are original Accused No.2-Mahesh and Accused No.5-Vishnu, were also acquitted of the charges under Sections 148 and 302 r/w. 149 of the IPC. However, they were convicted and sentenced, as aforesaid, for the offence punishable under Section 302 r/w. 34 of the IPC and Section 3 punishable under Sections 25 and 27 of the Arms Act.

10. This Judgment of the Trial Court is being challenged in this Appeal by learned Counsel for Appellant No.1 Mr. Satyavrat Joshi and for Appellant No.2 Dr. Yug Mohit Chaudhary, whereas, supported by learned A.P.P. for the Respondent-State Smt. V.R. Bhosale. In our considered

opinion, before adverting to the rival submissions advanced by them, it would be useful to refer to the evidence on record.

11. Prosecution has led the evidence of PW-4 Dr. Balasaheb Sonavane to prove the homicidal death of deceased Devendra. PW-4 Dr. Sonavane has conducted postmortem examination on his dead body and on external examination, he has found one punctured wound on the right side of scalp, behind right ear in temporo parietal area of the size of 3 cm x 3 cm x bone deep. He also noticed the bleeding from the wound and there were blood spots on the body on the right side. According to him, the object of the injury was lost in the brain tissue as there was total puncture on the skull table. The hair and skin on the rim of the wound was also found burnt. The injury, in his opinion, was antemortem in nature.

12. On internal examination, he recovered a fired bullet of the size of 2.9 x 0.4, circular in shape cylindrical, weighing 14.700 gms, made of copper as outer cover and lead inside. The bullet was recovered from occipital part of the skull, after the whole brain was taken out. According to him, the cause of the death was *"intra cranial haemorrhage due to fire arm i.e. the gun shot injury in the right temporal side of skull with bullet inside the skull"*. The Postmortem Report issued by him to that effect is produced on record at Exhibit-23. He has further deposed that the bullet,

which he has recovered from the brain, was sealed by him in the packet and handed over to the Police. In evidence before the Court, he has identified Article No.2 as the same bullet.

13. PW-8 PSI Sham Khetre has seized the said bullet under Panchanama (Exhibit-20) and PW-11 PI Desai has sent the said bullet to Ballistic Expert on 12th May, 2005. The report of the Ballistic Expert (Exhibit-27) reveal that the said bullet was found to be matching with the bullet used for test firing from the country made pistol sent to him by the Police.

14. The evidence of PW-9 PSI Daundkar reveals that during police custody, at the instance of Accused No.5-Vishnu, the country made pistol was recovered from his house under Panchanama (Exhibit-37). There is also evidence of PW-6 Panch Sharad Patil to that effect. As per the Ballistic Expert Report (Exhibit-27), the country made pistol was in working condition. The residues of fire ammunition nitrite were detected in the barrel washing, showing that it was used for firing prior to its receipt in the Laboratory. The said pistol was successfully test fired in the Laboratory and the bullet used for test firing, when compared with the bullet found in the brain matter of the deceased, both were found to be matching, showing that the bullet so retrieved from the body of the

deceased was fired through the country made pistol recovered at the instance of Accused No.5-Vishnu.

15. In the light of this evidence on record, the submission of learned A.P.P. is that, this evidence establishes not only the homicidal death of deceased Devendra, but also establishes the connecting incriminating link between the commission of the offence and that of Accused No.5-Vishnu. As against it, the submission of learned Counsel for the Appellants is to the effect that mere proof of homicidal death or mere recovery of the weapon of assault at the instance of the Accused is not sufficient to establish the chain of incriminating circumstances, which should be so strong and complete that no other inference except that of the guilt of the Accused and Accused alone can be drawn. According to the learned Counsel for the Appellants, in the present case the Prosecution has failed to establish this chain of incriminating circumstances by bringing cogent, convincing and reliable evidence on record.

16. To appreciate these rival submissions, the evidence of two eye witnesses examined by the Prosecution, namely, PW-3 Kumar Shendge and PW-7 Madan Behara will be of significance. However, before advertng to their evidence, it would be necessary to refer to the evidence of PW-1 Sushan Jagdev, who has lodged report about the incident vide

Exhibit-16 and PW-2 Shankar Maharana, who is examined by the Prosecution to prove the genesis of the incident.

17. PW-1 Sushan was the room-mate of deceased Devendra. As per his evidence, on 22nd February, 2005, at about 7:30 am, his room-mate deceased Devendra left saying that he will be going to the place of Prafulla Nandi and will come back within a short time. However, after Devendra left, within short time, one villager told him that someone has been murdered near the lake. Hence, he went to the room of Prafulla Nandi, which was near the lake, and saw the crowd gathered. He went inside and found that Devendra was lying on the floor with profused bleeding from the right side of his head. Then, he went to the house of Sarpanch and told him about the incident. Sarpanch asked him to go to the Police Station and lodge the report. Therefore, he gave information of the incident on telephone to the Police. Then Police came to the spot, made enquiry with him and recorded his complaint (Exhibit-16).

18. Thus, PW-1 Sushan is definitely not an eye witness to the actual incident. He is only a formal witness, who has given information of the incident to the Police by lodging the complaint (Exhibit-16). However, at this stage, it would be material to note that his complaint (Exhibit-16) is against Prafulla Nandi, Suraj, Nana and Kuna alleging, inter alia, that

these four persons had killed Devendra by firing bullet at him. Thus, the initial complaint of the incident lodged immediately after the incident by PW-1 Sushan is against some four other persons, who are not subsequently charge-sheeted or tried in the case. In this complaint (Exhibit-16), name of none of the five Accused, including the present Appellants, who are prosecuted and tried, is mentioned. Complaint is conspicuously silent about any allegation against the other co-Accused and the present Appellants. Hence, the evidence of PW-1 Sushan, instead of supporting the Prosecution case, to some extent, damages it.

19. The evidence of PW-2 Shankar is in respect of what had transpired the day before the incident, which ultimately resulted into the incident. This witness has deposed about the events that took place in the evening of the previous day. According to his evidence, on 21st February, 2005, in the evening, while he was returning from duty, along with his friend Shamsundar, they went to the room of their friend Prafulla, where they saw four or five persons sitting and smoking Ganja. He also joined them. According to him, Accused prosecuted in the case were those four or five persons sitting in that room. It is his evidence that after some time, he and Shamsundar returned back to his room. However, at 9:30 pm, as deceased Devendra insisted, he again accompanied Devendra to the

room of Prafulla. There, as Devendra insisted on smoking Ganja and for giving more Ganja to him, Nana, room-mate of Prafulla, prevented him from doing so. On that count, some hot exchange of words took place between Devendra on one side and Prafulla and Nana on the other side. Thereafter due to the act of Devendra of passing urine in front of the door of the neighbor, some physical altercations also took place between Devendra and the Accused persons. Devendra then left the room saying that he will come back again in the next morning. The present incident took place on the next morning.

20. Thus, as per evidence of PW-2 Shankar, the cause of the incident that took place on the previous evening, was the conduct of deceased Devendra and on the date of incident also, it was Devendra who had gone to the house of Prafulla, where Accused were staying, to teach them lesson.

21. In this factual back-drop, the evidence of two eye witnesses, namely, PW-3 Kumar and PW-7 Madan is required to be appreciated. Their evidence is more or less of an identical nature, as both of them had gone together to the house of Prafulla, at the instance of deceased Devendra. According to their evidence, they accompanied Devendra to the room of Prafulla. There, they found the door of the room was shut.

Devendra pushed open the door. When they peeped-in, they saw that some boys were asleep. Devendra pulled the bed-sheet of one of those who were sleeping. There were in all seven persons sleeping in that room. Out of the seven, PW-3 Kumar and PW-7 Madan were knowing only Nana and Suraj, whose names are appearing in the F.I.R., but who are not prosecuted or tried. Other five persons were unknown and strangers to them.

22. As per their further evidence, Devendra pulled the bed-sheet and started slapping one of those five unknown persons, who were sleeping in the room. PW-3 Kumar intervened and tried to stop Devendra from slapping that person. However, by that time, Accused No.2-Mahesh took out pistol from the black bag and handed it over to Accused No.5-Vishnu. Accused No.5-Vishnu shot the said pistol in the direction of Devendra. The shot hit Devendra on his head and Devendra collapsed and started bleeding and there was profused bleeding from the injury. All those five persons, Nana and Suraj, then ran away from that room.

23. In further evidence, PW-3 Kumar has stated that thereafter he and PW-7 Madan went to the room of PW-1 Sushan and told him that his co-villager Devendra has been murdered. However, he did not tell PW-1 Sushan that Devendra was assaulted by Prafulla, Suraj, Nana and Kuna.

PW-7 Madan has also stated in his evidence that he and PW-3 Kumar went to the room of PW-1 Sushan and told him of the occurrence. Thus, admittedly, PW-1 Sushan was informed of the incident by PW-3 Kumar and PW-7 Madan. However, surprisingly, PW-1 Sushan is not stating so. According to him, one villager told him that some one was murdered near the lake. Moreover, though PW-3 Kumar is stating that he has not disclosed the names of Prafulla, Suraj, Nana and Kuna as the assailants of deceased Devendra, the names of those persons are appearing in the complaint (Exhibit-16), lodged immediately after the incident. PW-1 Sushan has not given the source of this information. Therefore, it follows that implicit reliance cannot be placed on the evidence of PW-1 Sushan as he is not proved to be the witness of the truth. It is also not made clear on which basis he has implicated those four persons at the time of lodging complaint and subsequently given a completely new version of the incident.

24. As per his evidence, on 4th March, 2005, which is about eight to nine days after the incident, on his own, he again went to the Police Station, as on that day PW-2 Shankar and his friend Shamsunder told him about the incident that had taken place on the previous evening. However, in his cross-examination, he has admitted that after the incident, on 25th

February, 2005, twice he met PW-2 Shankar and Shamsunder, but, at that time, these two persons had not disclosed anything to him about the happening of the evening previous to the incident.

25. As per the evidence of PW-3 Kumar and PW-7 Madan, for the first time they disclosed about their having witnessed the actual incident of assault and on 4th March, 2005, it was to the Police. According to PW-3 Kumar, as he was scared having seen the horrifying incident, he did not tell about it to anybody, but then on 4th March, 2005, of his own accord, he went to the Police and told them what he had seen. PW-7 Madan has also deposed that because of fear in their mind, they did not tell the Police about occurrence, but on 4th March, 2005, he and PW-1 Sushan decided to go to Police Station and tell Police what they had actually seen. However, again in his cross-examination, he has admitted that he himself did not inform PW-1 Sushan or any of his villagers of what he has actually seen at the time of incident. Further, he has admitted that he used to meet PW-1 Sushan and PW-3 Kumar during this period and they used to talk about the murder of Devendra, but till 4th March, 2005, they did not inform about the incident to anyone, even to the Police.

26. In our considered opinion, this delayed disclosure of the entire incident by PW-3 Kumar and PW-7 Madan, who claim to be the eye

witnesses to the incident, creates a real doubt about their presence at the time of incident and about their evidence of complicity of the Appellants in the said incident. It is coupled with the fact that even on the part of PW-2 Shankar, there is a delayed disclosure of eight to nine days in respect of the incident that has happened on the previous evening. It is despite the fact that all these three witnesses were meeting one another and even to PW-1 Sushan on several occasions and as admitted by these witnesses, one of the subjects of their discussion was about the murder of Devendra. Further, as admitted by these witnesses in cross-examination, Police were also regularly coming and making enquiry with them of the incident. Despite that they did not disclose the same to anyone or even to the Police and then all of a sudden on 4th March, 2005, each one decided on his own to go to the Police Station and disclose the real happening. This evidence on their part is not only curious enough to raise doubts, but also it affects the credibility of entire Prosecution case as such.

27. In addition to this major flaw in the Prosecution case, there is one more aspect which also needs careful consideration, which is about the identification of the Appellants. Admittedly, the Appellants and the other three co-Accused were strangers and unknown to these two eye witnesses, PW-3 Kumar and PW-7 Madan. They have seen these

Accused for the first time on the date of the incident and that too for few minutes. That is the reason why Investigating Officer had thought it necessary to conduct their TIP, which is conducted on 10th May, 2005 by PW-12 Special Executive Magistrate Supriya Karmarkar. At this stage, it may be stated that the incident had taken place on 22nd February, 2005. The Appellants and other co-accused were arrested, as per evidence of PW-10 PI Shivdas, 21 days after the offence, on 15th March, 2005; and 55 days thereafter, on 10th May, 2005, the TIP had taken place, which amounts to considerable delay in conduct of the TIP.

28. The TIP in the present case not only suffers from delay, but also from major lapses and infirmities, which vitiate its credibility. As fairly conceded by the learned Counsel for the Appellants, no TIP as such is free from flaws or perfect in that sense of the term. Some flaws or lacunaes are bound to be there in any TIP. As held in the case of ***State of Maharashtra Vs. Suresh, 2000 SCC (Cri.) 263***, if pot-holes are to be ferreted out from the proceedings of the Magistrate holding such parades, possibly no TIP can escape from one or two lapses. If a scrutiny is made from that angle alone and the result of the parade is treated as vitiated, every TIP would become unusable. However, when there are some fatal lacunaes, then TIP becomes bereft of credence, as in the instant case.

29. One of the major lacunae is that only PW-2 Shankar and PW-3 Kumar were called for TIP. PW-7 Madan, though an eye witness to the actual incident of firing shot, was not called for the TIP. As regards PW-2 Shankar, admittedly, he was not an eye witness to the actual incident of firing, that took place on 22nd February, 2005. He was witness only as regards the incident that had taken place on previous evening. Admittedly, there were five Accused persons present in the incident, that took place on previous evening. Out of them, only two are implicated for committing assault by fire arm on the deceased and, therefore, his identification of the five Accused in TIP, without ascribing specific roles to the Appellants, cannot be of any help to the Prosecution.

30. Hence, there remains only the identification by PW-3 Kumar. As per the evidence of PW-12 Special Executive Magistrate Supriya Karmarkar, PW-3 Kumar has identified both the Appellants properly, which fact is mentioned in the Memo of TIP (Exhibit-29). In her cross-examination, however, she has admitted that the Tahasildar Office, where she had conducted the TIP, and the Police Station are located in the same premises. Police Station is on the ground floor and Tahasildar Office is on the first floor. Police lock-up is just right to the stair-case, leading to first floor. She has further admitted that she has asked the Investigating Officer

to keep the Accused persons in detention in Police lock-up till conduct of TIP. Therefore, it goes without saying that when witnesses came to the first floor to her Office for TIP, they had opportunity to observe the Accused, especially, because the lock-up room was just on the side of the stair-case and, especially, when they were passing from the Police Station, which was on the ground floor.

31. PW-3 Kumar has also admitted in his cross-examination that Police had come to call him for the purpose of TIP and PW-9 PSI Daundkar has accompanied him to Tahasildar Office. He has further admitted that Tahasildar Office is situate on the first floor and the Police Station and lock-up are situate on the ground floor. PW-2 Shankar, who was also called for the TIP, has admitted in his cross-examination that the lock-up can be seen when one is climbing on the stairs. Further, he has admitted that in order to proceed for TIP, he was first called at Nhava Sheva Police Station. He has also admitted that since beginning till the end of TIP, he and PW-3 Kumar were sitting in the same room. In view of these admissions given by the two witnesses, the evidence relating to TIP cannot be called as free from the doubt. There remains every possibility of Accused being shown or seen by the witnesses prior to TIP. Hence, evidence of TIP loses its significance and relevance in view of the law

laid down in ***Sadashiv Krishna Shetty Vs. State of Maharashtra, 2003 Cr.L.J. 121***, that TIP has to be taken in separate premises from the Police Station. It should be away from normal business of Police Station and it should be free of influence of Police concerned or Police in general.

32. It is true that evidence relating to TIP is only of a corroborating nature and the substantive evidence of identification of the Accused is their identification in the dock at the time of trial. However, on these aspects also, the evidence of PW-3 Kumar goes to show that he has seen the Accused on the day before when he had come to Court to give evidence. At that time, the Accused were present in the Court along with PW-9 PSI Daundkar. In view of these facts on record, there is real doubt about the identification of the assailants.

33. It is also not the case that either PW-3 Kumar or PW-7 Madan had sufficient opportunity to observe these Accused and to distinguish and separate them from other three Accused, who were also present in the said room. As a matter of fact, as per their evidence, there were in all seven persons in the said room. Out of them, they were knowing only Suraj and Nana. Five persons were unknown to them. As per their evidence, both of them were standing at the entrance of the room. PW-7 Madan has further admitted that the said room has only one entrance and

the window. The window was shut. The persons who were sleeping in the room had their faces covered by means of the bed-sheets used by them as pull-overs. He has further admitted that whatever occurred in the room, it was within two to three minutes after their entry therein. After hearing the fire shots, they even did not stop there to see whether Devendra has died or was alive. Even those five Accused had also left the room immediately. In such situation, none of these two eye witnesses had sufficient time or opportunity to observe those five Accused persons and to identify two out of them as being the persons who had taken part in the assault.

34. In the face of these facts on record, we are of the considered opinion, that the benefit of reasonable doubt in the present case cannot be withheld from the Appellants as Prosecution case suffers from the fatal lacunaes, which go to the root of the matter.

35. Consequently, this Criminal Appeal is allowed and the conviction and sentence of imprisonment of the Appellants is hereby quashed and set aside and the Appellants are acquitted of the offences with which they were charged and convicted. Fine, if paid by the Appellants, be refunded to them. Since the Appellants are in Jail, they be released forthwith, if not required in any other case.

36. Fees payable to Mr. Satyavrat Joshi, Appointed Advocate for Appellant No.1, are quantified at Rs.5,000/-.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[P.V.HARDAS, J.]