

\$~Part-A (R-43A)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRIMINAL APPEAL No.113/2015**

Date of decision: 8th October, 2015

ACHCHEY LAL YADAV Appellant

Through Mr. Chetan Lokur, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI) Respondent

Through Ms. Aashaa Tiwari, APP along with
ACP Harpal Singh, PTS Wazirabad, Delhi.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE R.K.GAUBA

SANJIV KHANNA, J. (ORAL):

Appellant-Achchey Lal Yadav challenges judgment dated 21st November, 2014 convicting him for offences under Sections 364A, 302 and 201 of the Indian Penal Code, 1860 (IPC, for short) for kidnapping and murder of a young boy Harsh Verma, aged about 5 years. By the impugned order on sentence dated 26th November, 2014, the appellant has been sentenced to undergo imprisonment for life, pay fine of Rs.1,000/- for the offences under Sections 364A and 302 IPC. In default of payment of fine on each account, the appellant would suffer and undergo simple imprisonment of one month. For the offence under Section 201 IPC, the appellant has been sentenced to undergo rigorous imprisonment for seven years and pay fine of Rs.1,000/- and in default to undergo simple imprisonment of one month. The sentences run concurrently and Section 428 of the Code of Criminal Procedure, 1973 (CrPC) would apply.

2. Death of Harsh Verma has been proved and established beyond

doubt. Dr. Vinay Kumar Singh (PW-1) who had conducted the post-mortem on the dead body of Harsh Verma on 26th January, 2009 at about 2 PM, has opined that the death was due to asphyxia on account of manual strangulation. Post-mortem report, marked Ex.PW-1/A, records that the injuries noted were ante-mortem and sufficient to cause death in ordinary course of nature. Dr. Vinay Kumar Singh (PW-1) has testified that the viscera was preserved to rule out possibility of intoxication and that the time of death was 3-4 days anterior in time. These aspects are relevant and would be referred to subsequently.

3. On the question of kidnapping of Harsh Verma, we have the testimony of Shambhu Nath Verma (PW-3) and his wife Rekha Verma (PW-10), i.e., father and mother of the deceased Harsh Verma. Rekha Verma (PW-10) has deposed that on 22nd January, 2009, she had left Harsh Verma at the school at about 8 A.M. As she was busy, PW-10 had asked her husband Shambhu Nath Verma (PW-3) to bring Harsh Verma back home. Shambhu Nath Verma (PW-3) has deposed that at about 12.45 P.M. he had reached the school but Harsh Verma could not be located, though his bag was lying in the class room. Perplexed and confused he came out of the school and then at about 1 PM, he had received a call on his mobile No. 9958838258 from a person who had claimed that Harsh Verma was with him and had demanded Rs. 20,000. He had threatened that if payment was not made, Harsh Verma would be killed. Stating so, the caller had disconnected the phone. Thereupon, Shambhu Nath Verma (PW-3) proceeded to the police station, and vide statement Ex.PW-3/A, signed by him at point 'A', FIR No. 18/2009 (ExPW16/A) at New Ashok Nagar dated 22nd January, 2009 was registered. The factum that Harsh Verma was kidnapped finds corroboration in the depositions of Deepa Kumari (PW-13) and Rajinderwati (PW-14), teacher and principal of the MCD School, New Kondli, Block-D, Delhi. Harsh Verma as per the attendance register

was absent and did not attend the school on 22nd January, 2009.

4. Shambhu Nath Verma (PW-3) has deposed having received five calls from the kidnapper, the details of which are as follows:-

S. No	Call made from No.	Date/ time	Purpose	Exhibit No. of CDR	Exhibit No. of certificate u/s 65B
1.	22722880 (Kalyan Puri, Delhi)	22/1/09 at 1:38 and 1:40 PM	Kidnapper informed about kidnapping of Harsh Verma and demanded Rs. 20,000	Ex.PW24A/B	Ex.PW-24A/C
2.	2511540 (Sweety Studio, Sector 15, Noida)	23/1/09 at 9:47 AM	Kidnapper called to enquire about the arrangement of money	Ex.PW21-A/A1	Ex.PW21-A/B
3.	2666014 (Dadri)	23/1/09 at 1:37 PM	Kidnapper called PW-3 to Ashardham Mandir gate along with money	Ex.PW21A/A-3	Ex.PW21-A/B
4.	2511091 (Sweety Studio, Sector 15, Noida)	23/1/09 at 4:28 PM	Kidnapper enquired as to who had accompanied PW-3 and asked him to reach Sector 15, near Ganga Nala bus stand	Ex.PW21-A/A-2	Ex.PW21-A/B

5.	9718657950 (Sweety Studio, Sector 15, Noida)	23/1/09 at 6:12 PM	Kidnapper directed PW-3 to proceed to Alka cinema along with the money.	Ex.PW4/A2	Ex.PW- 4A/1
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Shambhu Nath Verma's (PW-3) deposition that there were two calls at about 4:30 PM on 23rd January, 2009, one after the other is not corroborated by the CDRs marked Ex.PW21-A/A-2 and Ex.PW21A/B. Infact only one call as per the CDR was made from the No. 2511091 and the call was for about 123 seconds.

5. Learned counsel for the appellant has submitted that Shambhu Nath Verma (PW-3) was unable to recollect the telephone numbers from which the calls were made. Shambhu Nath Verma (PW-3) has accepted that he was illiterate and could not recollect the telephone numbers from which calls were made. This aspect is insignificant as the CDRs of telephone numbers have been proved. CDRs of telephone numbers 2511540 marked Ex.PW21-A/A-1 (17 pages) and No. 2511091 marked Ex.PW21-A/A-2 (25pages) and the No. 2666014 marked ExPW21A/A-3, certificate under Section 65B marked Ex. PW-21A/B were proved by Chiranji Lal (PW-21A), Accounts Officer (Computer), Office of General Manager Telecom, BSNL Telephone Exchange, Sector 19, Noida. Chiranji Lal (PW-21A) was examined after a Division Bench of the High Court had set aside the judgment dated 19th May, 2012 and order on sentence dated 25th May, 2012 in Criminal Appeal No. 1171/2012 titled ***Achchey Lal versus State*** with an order of remand to record further evidence concerning the call record details of the landlines and the mobile number, which were used. The court also granted liberty to the State to place on record and prove the FSL report. The CDR of PCO No.22722880, marked Ex.PW-24A/B, was

proved by Ramesh Kumar (PW-24A), Sub-Divisional Engineer and Nodal Officer, MTNL, Mayur Vihar, Phase-II, New Delhi and the certificate under Section 65B given by the Manager and signed by the Senior Manager was marked Ex.PW-24A/C. CDR records of mobile phone No. 9718657950 marked Ex.PW-4/A-1 to A-4 and certificate under Section 65B marked Ex.PW-4A/1, were proved by Amar Nath (PW-4A) Nodal Officer, Idea Cellular, Noida.

6. Examination of the aforesaid call records would indicate that Shambhu Nath Verma (PW-3) had correctly deposed that at about 1.38 PM and 1.40 P.M. on 22nd January, 2009 he had received a call from the STD booth at Kalyanpuri from the number 22722880. It is this call by which Shambhu Nath Verma (PW-3) was informed that his son Harsh Verma had been kidnapped for ransom and he was asked to arrange for Rs.20,000/-. The call details relating to telephone No. 2511540 made from Sweet Studio, Sector 15, Noida on 23rd January, 2009 record that one call was made at 9.47 hours on 23rd January, 2009. Thereafter, from the same PCO Booth but from a different No. 2511091, a call was made at 4.28 P.M. This was for about 123 seconds. The Fifth call was made at 6.12 P.M. from telephone No.9718657950, which was also installed at Sweet Studio, Sector 15, Noida. In between Shambhu Nath Verma (PW-3) had received a call at 1.37 P.M. on 23rd January, 2009 from a STD booth at Dadri, i.e., telephone No. 26660104. Dadri, be it noticed, is about 35 kilometers from Noida.

7. Shambhu Nath Verma (PW-3) as per the prosecution version was using telephone No.9958838258, which was issued and subscribed to his nephew Kishan Kumar Verma, who has deposed as PW-15. PW-15 has stated that he had given the sim card with the No. 9958838258 to his uncle Shambhu Nath Verma (PW-3) as his uncle had lost his mobile phone. SI Narender Kumar (PW-25) has also stated that Shambhu Nath Verma (PW-

3) was using Mobile No. 9958838258, which was issued in the name of his nephew. Vishal Gaurav (PW-32), Nodal Officer, Bharti Airtel Limited in his deposition has proved that the aforesaid number was allotted to Kishan Kumar Verma (PW-15). Vishal Gaurav (PW-32) had proved the customer application form (Ex.PW-32/A), copy of the driving licence (Ex.PW-32/B) and declaration (Ex.PW-32/C). He had also proved the call records for the period 21st January, 2009 to 24th January, 2009 running into three pages, which was marked Ex.PW-32/D and the certificate issued under Section 65B of the Evidence Act, which was marked Ex.PW-32/E. The said document bears his signature at point 'A'. The aforesaid telephone call record details, therefore, affirm and show that the version given by Shambhu Nath Verma (PW-3) is true and correct.

8. Shambhu Nath Verma (PW-3) had deposed that the police had nabbed and apprehended the kidnapper from the PCO booth, Sweet Studio, Sector 15, Noida when and after the Fifth call was made at 6:12 PM. They had rushed to Sector 15, Noida and interrogated the present appellant.

9. Shambhu Nath Verma (PW-3) professed and claimed that he knew the present appellant-Achchey Lal Yadav, who use to come to their residence prior to the incident. Four days before the occurrence, the appellant-Achchey Lal Yadav had come to their house and had prepared fish. The said factual position stands accepted by the Appellant-Achchey Lal Yadav in his statement under section 313 CrPC. Shambhu Nath Verma (PW-3) also deposed that the appellant-Achchey Lal Yadav had then left the house stating that he was going away and would not meet them again.

10. On the next day, i.e., 24th January, 2009, Shambhu Nath Verma (PW-3) again joined the investigation and on pointing out by Achchey Lal Yadav, three divers (ghotakhars) took out the dead body of Harsh Verma from the river at 10:30 AM. The dead body was tied by a rope with stones.

Harsh Verma was wearing the school uniform. Thereafter, the appellant-Achchey Lal Yadav led the police to his house where '*bhaang*' was seized at the behest of the appellant and taken into possession vide seizure memo Ex.PW-3/E, which was signed by PW-3 at point 'A'. A packet of biscuits was also taken into possession by the same seizure memo. A small piece of rope was cut and seized vide seizure memo (Ex.PW-3/G). Recovery of the dead body while it was being taken out was photographed. Shambhu Nath Verma (PW-3) identified the white coloured plastic rope marked Exhibit P-2 as well as a small pouch of '*bhaang*' (Bhola Munakka) and the packet of biscuits, which were collectively marked Exhibit P-6.

11. Arrest of the appellant-Achchey Lal Yadav from Sweety Studio, Sector 15 Noida, is proved by Constable Jai Beer (PW-17) and Constable Inder Kumar (PW-27). Constable Jai Beer (PW-17) testified being posted at Police Station New Ashok Nagar and that he along with Constable Inder Kumar (PW-27) were present at Shop No. 25, Gali No. 2, Sector 15, Noida in civil clothes. They had been briefed by the Investigating Officer SI Narender Kumar to keep vigil for the kidnapper could make a call from the said PCO booth. They had met the PCO booth owner Om Prakash Verma. Later after receiving signal from Om Prakash Verma (PW-11), Constable Jai Beer (PW-17) and Constable Inder Kumar (PW-27) had apprehended the appellant-Achchey Lal Yadav. PW-17 identified the appellant-Achchey Lal Yadav in the court, and proved the arrest memo Ex.PW-3/B. In his cross-examination, PW-17 affirmed that SI Narender Kumar had come to the PCO Booth after they had apprehended appellant-Achchey Lal Yadav. Deposition of Constable Inder Kumar (PW-27) is in seriatim. He has affirmed his deployment at the PCO Booth and that on 6:15 PM Om Prakash Verma had signalled, thereupon the appellant-Achchey Lal Yadav was apprehended. Subsequently, Shambhu Nath Verma (PW-3) and SI Narender Kumar came to the spot.

12. Om Prakash Verma (PW-11) is equally affirmative and has deposed having a shop in the name and style of Sweet Studio, at Sector 15, Noida, which was being used as a PCO booth. Numbers 2511540, 2511091 and mobile No. 9718657950 were installed in the said PCO Booth for public use. The first two numbers were subscribed and were in the name of his brother-in-law Manoj and the last number was in his name. These phones were installed in the cabins. He identified the appellant-Achchey Lal Yadav, as the person who had made three calls at 9:47 AM, 4:28 PM and 6:12 PM on 23rd January, 2009. He had been instructed by the police to signal, if any person made a telephone call at No. 9958838258. At about 6:12 PM, Om Prakash Verma (PW-11) had noticed a call being made on the said number and signalled to the police officers present there. At that time, the appellant was in the telephone cabin. He has elucidated that he had detained the appellant-Achchey Lal Yadav in the cabin and had bolted the door from outside and called the police. 20-25 persons from the neighbourhood had gathered at the spot. PW-11 identified his signature on the arrest memo (Ex.PW-3/B) and the personal search memo of appellant-Achchey Lal Yadav (Ex.PW-3/C) at point 'B'. In his cross-examination, PW-11 has accepted that he did not hear the conversation when the appellant was making the call and that he had been instructed by a person, who had proclaimed himself as a SHO in Delhi Police. The said assertions, do not reflect and create any doubt about the primary and core assertions made by Om Prakash Verma (PW-11).

13. At this stage, it would be relevant to take notice and examine two contentions raised on behalf of the appellant. The arrest memo (Ex. PW-3/B), it is highlighted does not record the time of arrest. This is factually correct, but failure to mention the time of arrest is not fatal to the prosecution case. The arrest memo is witnessed by Om Prakash Verma (PW-11) and Shambhu Nath Verma (PW-3). Om Prakash Verma (PW-11)

affirms and specifies the time of arrest and this factum is fully corroborated by Constable Jai Beer (PW-17) and Constable Inder Kumar (PW-27). This lapse is a mere irregularity and does not amount to an illegality, which merits rejection of the prosecution version. The second aspect highlighted is that the appellant-Achchey Lal Yadav had made an earlier call at about 4:28 P.M. on 23rd January, 2009 from the same booth, but at that time the appellant was not apprehended. Again this is factually correct, but failure or inability to nab the appellant at 4:28 PM would not discredit and result in acquittal of the appellant. Om Prakash Sharma (PW-11) was not questioned on this lapse and aspect. Om Prakash Sharma (PW-11) might not have realised at 4:28 PM that a ransom was being made. No doubt, Constable Jai Beer (PW-17) and Constable Inder Kumar (PW-27) had been deputed at the STD booth of Om Prakash Verma (PW-11) to keep a watch, but lapse and failure to nab the appellant at 4:28 PM, cannot justify a finding that the appellant was not apprehended at 6:30 PM from the PCO Booth of Om Prakash (PW-11). They might have missed or overlooked the call made at 4:28 PM.

14. As far as recovery of the dead body of deceased Harsh Verma is concerned, in addition to testimony of Shambhu Nath Verma (PW-3), we have the photographs which were taken by David Kumar (PW-23). Fourteen photographs proved by David Kumar (PW-23) were marked Ex.PW-23/A-1 to A-14 collectively. David Kumar (PW-23) had re-appeared before the court after the remand order dated 4th September, 2014, by the High Court in Criminal Appeal No. 1171/2012, ***Achchey Lal versus State***. David Kumar (PW-23) in his deposition recorded on 24th January, 2009 proved the certificate under Section 65B of the Evidence Act, which was marked Ex.PW-23/C. The said witness proved the CD marked Ex.PW-23/A-15 from which the photographs were developed.

15. Kheri Singh (PW-7) and Yasin (PW-8), two divers/swimmers, who

along with Rahul, had taken out dead body of Harsh Verma from the river located between Dharmshila Hospital and Kondli bridge on 24th January, 2009, have testified and proved these facts. The appellant-Achchey Lal Yadav was present at the spot in police custody and on his pointing out, they recovered the dead body of a drowned child. The body was found tied by a rope with stones and the deceased was wearing a school dress. They identified themselves and the dead body in the photograph Mark X-1 and X-2 respectively, which were shown to them.

16. Mohan Prasad (PW-9) has similarly affirmed that in his presence the appellant, while he was in police custody, had pointed out to the divers and the place where the dead body of the deceased Harsh Verma had been thrown. The divers had taken out the dead body, which was tied by a rope with stones. He identified the photographs of the deceased Harsh Verma.

17. This brings us to the testimony of the two Investigating Officers, Sub-Inspector Narender Kumar (PW-25) and Inspector Harpal Singh (PW-31), (the latter had taken over the investigation on 24th January, 2009 after the dead body of Harsh Verma was retrieved). SI Narender Kumar (PW-25) has affirmed the start of investigation and search for Harsh Verma after he was marked DD No. 43-B vide ExPW25/A. Rukka marked Ex.PW-25/B and the FIR No. 18/2009 marked Ex.PW-16/A was registered. Enquiries regarding telephone No. 22722880 were made and details regarding name, address etc. were obtained. The ransom call was from a PCO Booth located at Kalyan Puri, Delhi. This call was received by Shambhu Nath Verma (PW-3) at about 1.40 P.M on 22nd January, 2009. On 23rd January, 2009, they continued the search for the missing boy Harsh Verma. SI Narender Kumar (PW-25) and Shambhu Nath Verma (PW-3) had remained together. Ransom calls were continuously made by the kidnapper on 23rd January, 2009 to Shambhu Nath Verma (PW-3). Shambhu Nath Verma (PW-3) had expressed his apprehension and doubt

on Achchey Lal Yadav, who was known to him as a friend. SI Narender Kumar (PW-25) managed to trace and track that one call was made from Sweety Studio, Sector 15, Noida, as he had called back on the said number and had taken the details from the person who had answered. Constable Jai Beer (PW-17) and Constable Inder Kumar (PW-27) were deputed to go to the said PCO booth. At about 4.28 P.M, Shambhu Nath Verma (PW-3) received a telephone call made from No. 2511091, also located at Sweety Studio. Shambhu Nath Verma (PW-3) was asked by the kidnapper to proceed to Sector 15, Noida near ganda nala, with the ransom amount. Thereafter he and Shambhu Nath Verma (PW-3) left for Sector 15, Noida near ganda nala but no one came there. At about 6:12 P.M., by another call, Shambhu Nath Verma (PW-3), was asked to go to Alka Cinema and await further instructions. Within 2 to 3 minutes, Constable Mehak Singh, who was present with them, received information that the “caller” had been apprehended at the PCO booth, Sweety Studio by Constable Inder Kumar (PW-27) and Constable Jai Beer (PW-17). They went there and arrested the appellant-Achchey Lal Yadav vide arrest memo Ex.PW-3/B. PW-25 had conducted personal search vide memo Ex.PW-3/C.

18. SI Narender Kumar (PW-25) has deposed that on the basis of the disclosure statement Ex.PW25/A made by the appellant-Achchey Lal Yadav recoveries were made from the residence of the appellant-Achchey Lal Yadav at Kondli village which belonged to Pappu. From the appellant’s residence ‘*Bhola Munakka Ayurvedic Aaushadhi*’ (*bhaang*) and a packet of biscuit, was found and seized vide seizure memo Ex.PW-3/E. The aforesaid facts regarding recovery of ‘*bhaang*’ is affirmed and deposed by Shambhu Nath Verma (PW-3). The aforesaid ‘*bhaang*’ and the pouch of biscuits were identified by SI Narender Kumar (PW-25) and collectively marked as Exhibit P-6. From the same residence a plastic rope was taken

into possession after cutting the same vide seizure memo Ex.PW-3/G.

19. Inspector Harpal Singh (PW-31) had prepared the inquest papers and had got the post-mortem conducted. Subsequently, on the basis of the disclosure statement marked ExPW22/A, he and PW-25 had recovered '*bhaang*', a packet of biscuits and the rope from the tenanted premises where the appellant was residing. Devender Kumar @ Pappu (PW-12) has stated that he had given one room on rent to the appellant-Achchey Lal Yadav in his property located at village Kondli. It is from this room that the recoveries were made. PW-12 had affirmed that the police had brought the appellant-Achchey Lal Yadav and he had identified him as his tenant.

20. On the basis of the disclosure statement (Ex.PW22/A) made by the appellant-Achchey Lal Yadav on 24th January, 2009, from Hindon canal, from where they had retrieved the dead body of Harsh Verma with the help of the divers. Harsh Verma was wearing a school dress of blue shirt, blue pant, sweater and black shoes. The body had been tied with a plastic rope to which two stones were attached. The entire proceedings were videographed by David Kumar (PW-23).

21. Parshuram Singh, Assistant Director (Physics), FSL Rohini has deposed as PW-33. He has affirmed that he had received five sealed parcels for examination. He examined the piece of rope, marked by him as Exhibit 1b and found that the same was similar in colour, texture, design, printing matter, width, thickness and appearance under U.V. light. to the piece of rope which is marked as Exhibit 2. Exhibit 1b was the rope, which was recovered from the residence of the appellant-Achchey Lal Yadav and Exhibit 2 was the rope, which was tied to the dead body of Harsh Verma

22. Jitender Kumar (PW-34), Senior Scientific Officer (Chemistry), FSL Rohini affirms receipt of two sealed parcels and on examination Exhibits 1A, 1B, 1C and Ex2B were found to contain Phenobarbital and Cannabinol (psychotropic substances). Report Ex.PW-34/A, signed by

PW-34 at point 'A', affirms the presence of the aforesaid chemicals in the stomach, piece of small intestine, liver, spleen and kidney of the deceased child. Thus, it would be safe to conclude that the appellant had administered '*bhaang*' to the deceased child Harsh Verma.

23. The aforesaid discussions reveal the following facts, which have been proved and established beyond doubt:-

- (i) Harsh Verma was kidnapped after he was left at the school by his mother Rekha Verma (PW-10) at about 8 A.M. on 22nd January, 2009.
- (ii) Shambhu Nath Verma (PW-3), father of Harsh Verma, could not locate Harsh Verma when he went to the school at about 1 P.M. on 22nd January, 2009.
- (iii) On 22nd January, 2009 at about 1.38 and 1.40 P.M., Shambhu Nath Verma (PW-3) had received a telephone call on his telephone No. 9958838258 from telephone No.22722880 stating that his son Harsh Verma was with the caller and ransom amount of Rs.20,000/- was demanded.
- (iv) Shambhu Nath Verma (PW-3) had thereupon made police report Ex.PW-3/A and FIR No. 18/2009 (ExPW16/A) was registered.
- (v) Shambhu Nath Verma (PW-3) on 23rd January, 2009 received four telephone calls, the first call was at about 9.47 A.M. from telephone No. 2511540, the second call was at 1.37 P.M. from telephone No. 26660104, the third call was at 4.28 P.M. from telephone No. 2511091 and the forth call was at 6:12 PM from telephone No. 971865790. The first, third and forth calls, it was ascertained were made from Sweet Studio located at Sector-15, Noida.
- (vi) After ascertaining the details after the first call on 23rd January, 2009, SI Narender Kumar (PW-25) had deputed Constable Jai Beer (PW-17) and Constable Inder Kumar (PW-27) to stay near Sweet

Studio, Noida.

- (vii) The appellant-Achchey Lal Yadav at 6.12 P.M. made a call from No. 971865790 also located at Sweety Studio, Noida. The owner of the Sweety Studio Om Prakash Verma (PW-11) thereupon apprehended and had locked Achchey Lal Yadav in the cabin from where he was making the phone call.
- (viii) Thereafter, Constable Jai Beer (PW-17) and Constable Inder Kumar (PW-27) swung into action to detain and apprehend the appellant.
- (ix) Shambhu Nath Verma (PW-3) and SI Narender Kumar (PW-25) thereafter reached Sweety Studio at Sector 15, Noida and the appellant- Achchey Lal Yadav was arrested at about 6.30 P.M.
- (x) On the basis of the disclosure statement Ex.PW-22/A, on 24th January, 2009, dead body of Harsh Verma was fished out by the divers Kehir Singh (PW-7) and Yasin (PW-8) in the presence of Mohan Prasad (PW-9) from Hindon canal. Harsh Verma was wearing school clothes and the dead body had been tied with a rope and attached to stones.
- (xi) Recovery of the dead body was duly videographed by David Kumar (PW-23), who has proved the photographs marked Ex.PW-23/A-1 to A-14.
- (xii) On the basis of the disclosure made by the appellant-Achchey Lal Yadav, the police also visited the residence of the appellant located at village Kondli and from his room '*bhaang*', packet of biscuits and a piece of rope were seized. As per the CFSL report marked Ex.PW-33/A, the rope seized from the residence/room was identical to the rope tied to the dead body of Harsh Verma. As per CFSL report marked Ex.PW-34/A, Harsh Verma had been drugged and given '*bhaang*'.

24. In view of the aforesaid position and the evidence/ material, we do

not find any merit in the present appeal. We also affirm the order on sentence. This appeal is dismissed.

(SANJIV KHANNA)
JUDGE

OCTOBER 08, 2015
VKR

(R.K. GAUBA)
JUDGE