

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-D-191-DB-2010
Date of decision:16.09.2016

Kamal

.....Appellant

Versus

State of Punjab

.....Respondent

**CORAM : HON'BLE MR.JUSTICE T.P.S. MANN
HON'BLE MR.JUSTICE GURMIT RAM**

Present: Mr. Amit Arora, Advocate
for the appellant.

Mr. S.S. Dhaliwal, Additional Advocate General,
Punjab.

GURMIT RAM, J.

This appeal is preferred by aforementioned appellant-Kamal against the judgment and order of sentence dated 03.11.2009 delivered by the Court of learned Sessions Judge, Kapurthala in criminal case bearing FIR No.215 dated 07.07.2008 under Section 302 of the Indian Penal Code (“IPC” for short) Police Station, City Phagwara vide which he was held guilty for the offence punishable under Section 302 of IPC and awarded the sentence as detailed below:-

Rigorous imprisonment for life and to pay a fine of ₹10,000/-.	In default of payment of fine, the convict shall undergo rigorous imprisonment for a further period of six months.
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2. The prosecution story in nutshell as put forth before the learned trial Court was that on 07.07.2008, one medical chit was received from Civil Hospital, Phillaur at Police Station Phillaur regarding admission of patient Mamta wife of Mangat Ram @ Manga resident of village Kangaryian, Phillaur. Upon this, ASI Swaran Singh of Police Station Phillaur alongwith other police officials reached at Civil Hospital, Phillaur for recording statement of injured Mamta, who was declared fit to make her statement as per the opinion of the doctor. Since it was a burn case, so presence of some Judicial Magistrate was required to be necessary for recording her statement. Thereafter, he moved an application before Sh. K.K. Singla, Judicial Magistrate Ist Class, Phillaur for recording her statement, who reached at Civil Hospital, Phillaur. He recorded the statement of said patient as the Doctor gave his opinion that she was fit to make her statement, which was as under:-

“Q. What work you are doing?”

A. I am working in Cremica Factory.

Q. When your marriage was celebrated and with whom?”

A. I was married about 18/19 years ago with Manga.

Q. How many children do you have?”

A. I have three children, namely Neetu, Rehmat and Sehmat.

Q. On which date and at what time, what happened with you?”

A. On 6.7.2008, at 10.00 p.m. night time, I had gone after doing the quarrel with my husband. I went to one Kamal s/o Sardara r/o Fatehpur at Phagwara. I quarrelled with Kamal

at Phagwara during night and during the quarrel the said Kamal had put kerosene upon me, and lit me with stick of matchbox. In this occurrence, no person other than Kamal is responsible.

*RO&AC
sd/- Mamta*

*sd/- K.K. Singla,
JMIC, (D)/9.20 PM
Phillaur 7.7.2008”*

Then ASI Swaran Singh obtained copy of her statement by moving an application from which it transpired that the alleged occurrence had taken place within the jurisdiction of Police Station City, Phagwara. A Rapat No.10 dated 07.07.2008 was registered at Police Station, Phillaur and an intimation was sent to the police of Police Station, City Phagwara telephonically. On the arrival of Baldev Dutt ASI of Police Station, City Phagwara, all the documents were handed over to him for further proceedings. He made his endorsement Ex.PV/3 on the above statement of patient Mamta/complainant, on the basis of which FIR (Ex.PV/4), under Section 302, IPC, was registered at Police Station, City Phagwara.

Post-mortem on the dead body of the deceased was got conducted on 08.07.2008 from Civil Hospital Phillaur. Accused was apprehended in this case on 25.07.2008. One plastic can of kerosene, one match box and burnt pieces of clothes of deceased were recovered from the spot of occurrence which were converted into different parcels duly sealed with the seal of “GS” and the same were taken into police possession vide a memo. On 27.07.2008, one car bearing registration No.PB08-G-3602 was taken into police custody. The clothes which were worn by the deceased

after the alleged occurrence were also taken into police possession after preparing their parcel duly sealed with the seal of "GS". Statements of witnesses were recorded. During the investigation, it was found that Mamta (since deceased) was married with one Manga and they were having three children i.e. one daughter and two sons. She started living with the accused few months prior to this occurrence after making a quarrel with her husband. She and accused were residing together in some rented accommodation in the house of Paramjit Kaur @ Rani situated in Mohalla Ranjit Nagar, Bhulla Rai Road, Phagwara. On 06.07.2008, there ensued a brawl between them and they were pacified on the intervention of their neighbour Ramesh Kumar. On the same very night, accused set her on fire after pouring kerosene. Accused and said Ramesh Kumar took injured Mamta to Civil Hospital, Phagwara for her treatment. Then at the instance of Mamta, Ramesh Kumar hired a taxi i.e. Maruti car bearing registration No.PB08-G-3602 of Paramjit alias Kala from bus stand Phagwara in which she was left at her village Kangaryian. Her husband Mangat Ram @ Manga got her admitted in Civil Hospital, Phillaur for her treatment where her statement was recorded by Judicial Magistrate on 07.07.2008. During treatment, Mamta expired on 07.07.2008. Parcels containing plastic can of kerosene, match box and burnt pieces of clothes of deceased were sent to the office of Forensic Science Laboratory, Chandigarh for their chemical analysis. On the completion of investigation, challan was presented in the Court of learned Illaqa Magistrate, Phagwara, who committed the same to the Court of learned Sessions Judge, Kapurthala for its trial after making compliance of the provisions of Section 207 of the Criminal Procedure Code ("Cr.P.C." - in short) vide order dated

01.11.2008.

3. Finding a prima facie case punishable under Section 302, IPC, accused was charge sheeted accordingly by learned trial Court vide order dated 02.12.2008, to which, he pleaded not guilty and claimed trial.

4. The prosecution in order to prove its case examined nineteen witnesses in total during trial of the case.

5. Then examination of the accused as required under Section 313, Cr.P.C., was duly conducted. All the incriminating evidence brought on the record during trial of the case against him was put to him which he denied entirely. Further, he pleaded his innocence and false implication in this case. But he did not lead any evidence in defence despite granting of opportunity.

6. The learned trial Court after hearing learned counsel for both the parties and going through the record as well held the accused guilty for the offence punishable under Section 302, IPC and awarded him sentence as detailed above in para No.1 of this judgment, vide the impugned judgment and order of sentence dated 03.11.2009.

7. The appellant-herein (accused) being not satisfied with the impugned judgment of conviction and order of sentence has come up before this Court by way of instant appeal, notice of which was given to the respondent-State. Record of learned trial Court was also requisitioned.

8. Learned counsel for both the parties were heard. Record was also analyzed minutely with their able assistance.

9. The evidence which was led by prosecution during trial of the case to bring home the guilt of the accused is summarized as under:-

PW-18 ASI Sukhvir Singh was posted at Police Station, Phillaur

on 07.07.2008. On receipt of medical ruqa Ex.PD on the said date, he went to Civil Hospital, Phillaur and obtained medical opinion Ex.PT/5 as to whether injured was fit to make her statement, vide application Ex.PT. Realising the sensitivity of situation, he moved an application Ex.PT/4 before Sh. K.K. Singla, Judicial Magistrate Ist Class, Phillaur for recording her statement. Vide order Ex.PT/6, he (Judicial Magistrate) sought medical opinion, if the injured was fit to make statement and injured was declared fit to make statement vide medical opinion Ex.PT/1. Statement of injured Ex.PT/7 was recorded. He made DDR entry Ex.PE/3 and sent intimation to the police of Police Station, City Phagwara since the alleged occurrence had taken place within the jurisdiction of that police station. Then medical intimation Ex.PV/1 with regard to death of Mamta was received on 07.07.2008. Thereafter, the investigation of this case was handed over to ASI Baldev Dutt of Police Station, City Phagwara.

Said ASI Baldev Dutt appeared as PW-19. He prepared the inquest report in respect of dead body of deceased Mamta. Then he got conducted postmortem on the dead body of deceased by moving an application Ex.PA. Then he sent ruqa Ex.PV/3, on the basis of which formal FIR Ex.PV/4 was recorded. Belongings of the deceased were also produced before him by HC Surinder Kumar and PHG Sanjeev Kumar on 08.07.2008 which were taken into police possession vide memo Ex.PV/5 after converting the same into parcel sealed with the seal of "BD". On the opening of this parcel in the Court, one T-Shirt (Ex.P6) and *Petticoat* (Ex.P7) were taken out which he identified. After postmortem, he handed over the dead body of the deceased to her relatives. Then he also proved the memo

Ex.PV/7 vide which one Maruti car bearing registration No.PB-08-G-3602 Ex.P5 alongwith its RC Ex.P1 was taken into police possession on 27.07.2008.

PW-15 Sh. K.K. Singla was posted as Judicial Magistrate Ist Class, Phillaur on 07.07.2008. On police application Ex.PT/4, he went to Civil Hospital, Phillaur on the same day. Vide police application Ex.PT, he sought opinion with regard to fitness of patient from attending Doctor who gave medical opinion Ex.PT/1 that she was fit to make her statement. Thereafter, he recorded statement Ex.PT/7 in his own handwriting, contents of which were read over to the patient who signed the same in his presence after admitting it to be correct. He made an endorsement Ex.PT/8 on her statement upon which Doctor recorded his observations Ex.PT/2. Then on police application Ex.PT/10, he passed orders Ex.PT/11 allowing the Investigating Officer to copy the above statement of patient. He recorded statement Ex.PT/7 without any omission or addition which was given by patient voluntarily in a fit state of mind.

PW-2 Dr.Mahesh Kumar Prabhakar had attended patient Mamta wife of Mangat Ram at Civil Hospital, Phillaur on 07.07.2008 and sent intimation Ex.PD to the police in this regard. It was in his statement that she was having superficial to deep burns about 90% on her face, chest, back, abdomen, both legs and both arms. She was conscious and co-operative. He referred her to surgical specialist for further treatment and management. Finding her condition to be serious, he told her husband Mangat Ram to take her to some higher institution for further treatment and management. He proved her bed head ticket Ex.PD/1 and endorsement Ex.PD/2.

PW-9 Dr. Neeraj Sodhi was posted as Medical Officer at Civil Hospital, Phillaur on 07.07.2008. On the application Ex.PT moved by ASI Sukhvir Singh, he gave his opinion Ex.PT/1 that patient was fit to make her statement. Sh. K.K. Singla, JMIC, Phillaur recorded her statement in his presence. Patient remained fit and conscious during recording of her statement upon which he made his endorsement Ex.PT/2 at 09:20 a.m.

PW-1 Dr. Yashpal Sharma, Medical Officer, Civil Hospital, Phillaur conducted post-mortem examination on the dead body of deceased Mamta on 08.07.2008 on police application Ex.PA. During post-mortem examination, he observed as under:-

“Rigor mortis was present. There was mucosa of the larynx and trachea were congested contains frothy mucosa and some soot. There were present burns of second and third degree on the whole of the body with sparing of the terminal parts of feet with presence of red line at the junction of healthy and burnt area. There was singeing of the hair of the eye brows and back of the scalp. The total area of burns was 90%. There was formation of some vesicles. No pus formation.

Internal organs were congested. Left side of the heart empty. Right side congested otherwise healthy. Organs of generation and external genitalia were normal.

The cause of death in this case in his opinion was shock from extensive burns as described which were sufficient to cause death in ordinary course of nature. All the burns were ante mortem in nature.”

Further he proved the carbon copy of her postmortem report as Ex.PC.

PW-11 Sub-Inspector - Gulzar Singh also conducted investigation of this case partly. He arrested accused Kamal in this case on 25.07.2008 vide arrest memo Ex.PU and also proved his personal search memo Ex.PU/1. During the course of investigation, he went to the place of occurrence alongwith accused in the area of Ranjit Nagar, Bhulla Rai Road, Phagwara from where the accused got recovered burnt clothes of deceased Mamta, one oil can and one match box which were converted into two separate parcels duly sealed with the seal of "GS" and took the same in his possession vide memo Ex.PU/2. When these parcels were opened in the Court at the time of recording of his statement, the same were found containing one white plastic can Ex.P2, one match box Ex.P3 with match sticks and one container Ex.P4 containing burnt clothes. Further, he also prepared rough site plan Ex.PU/3 of the place of recovery. Further, he also proved the vehicle Ex.P5 i.e. Maruti car bearing registration No.PB08-G-3602 in which injured Mamta was taken from Phagwara and left at the house of her husband in village Kangaryian, Police Station, Phillaur. Then he also proved memo Ex.PU/5 vide which clothes, which were worn by Mamta after the occurrence, were taken into police possession. He deposited all these articles with MHC of Police Station and presented the challan on completion of investigation.

PW-12 Paramjit Kaur alias Rani was the owner of the house in which deceased Mamta used to reside as a tenant alongwith accused Kamal.

She went to her parents' house on 06.07.2008 and on her return on the next

day, she was informed by her neighbour Harmesh Kumar that Mamta had put herself on fire in the tenanted room of her house. Further she also proved memo Ex.PU/2 vide which a plastic can, a match box and some clothes were taken into police possession after preparing parcels thereof, when police came to this site after about 25 days of the occurrence.

PW-16 Ramesh Kumar was resident of Mohalla Ranjit Nagar, Phagwara and neighbour of PW-12 Paramjit Kaur @ Rani. It was in his statement that about two months prior to this occurrence Paramjit Kaur had given one room on rent to Mamta in her house with whom accused Kamal used to reside. On 6th about one year ago, he was present in his house around 9:00 p.m. and was attracted to the house of Mamta on hearing noise of a quarrel. He advised them not to fight and disturb the peace in the locality. At about 10:00 p.m., he again went to the house of Mamta on hearing *raul*, where he saw her on fire who remarked that she had put herself on fire and Kamal should not be punished. Then they went to hospital and he arranged a conveyance for accused and Mamta on their asking. Then he also proved the abovesaid memo Ex.PU/2.

PW-13 Paramjit Kala identified the accused present in the Court. It was in his statement that accused had engaged him alongwith his taxi bearing registration No.PB08-G-3602 through Ramesh Kumar on the intervening night of 6/7.07.2008 on the plea to take his wife, who was stated to be in serious condition. He picked up that woman from front of Civil Hospital, Phagwara and took her to village Kangaryian near Phillaur and after leaving her in that village, he alongwith the accused came back.

Mangat Ram alias Manga, husband of the deceased, appeared as

PW-14. It was in his statement that on the intervening night of 6/7.07.2008 his *Massi* Santosh had come to his house. She heard cries of Mamta at about 12 midnight and on opening the door, they found accused Kamal and Mamta getting out of car. After dropping Mamta in front of his house, accused went away in the car which was of white colour. Mamta told them that accused Kamal set her ablaze by pouring kerosene after a fight with her. Further, he also poured water on her and changed her clothes. He took his wife to Civil Hospital, Phillaur, where she expired.

The abovesaid Santosh had appeared as PW-17. It was in her statement that Mamta was the wife of his sister's son namely Manga who had three children. She (Mamta) started living with the accused 5/6 months prior to this occurrence. She often used to visit the house of said Mangat Ram @ Manga to look after his children who were small. On 6.07.2008 also, she had gone to the house of Mangat Ram @ Manga and she was sleeping on a cot in the lane in front of the house. Mangat Ram @ Manga was also present in the house. At about 11:00 p.m., accused came there with Mamta in a white car and slipped from there after leaving her at her husband's house. Mamta who was suffering from burn injuries told her that she was put on fire by accused. They got her admitted in the hospital at Phillaur, where she expired.

PW-7 Tarsem Chand, Junior Assistant of the office of DTO, Jalandhar produced the record with regard to vehicle bearing registration No.PB08-G-3602 and its subsequent transfers.

PW-8 Paramjit Singh proved the scaled site plan Ex.PF of the place of occurrence which he prepared after visiting the same

on 21.08.2008.

So far as the remaining PWs namely PW-3 HC Balbir Singh, PW-4 HC Surinder Kumar, PW-5 HC Sukhwinder Singh and PW-10 HC Jasbir Singh are concerned, they were the formal witnesses in this case and they tendered their duly sworn respective affidavits Ex.PE, Ex.PE/1, Ex.PE/2 and Ex.PT/3 as a part of their respective statements.

PW-6 HC Palwinder Singh proved the DDR Entry No.10 dated 07.07.2008 of Police Station Phillaur as Ex.PE/3.

10. Learned counsel for the appellant has contended that in fact it was Mangat Ram – PW14 who had put his wife Mamta (since deceased) on fire at his residence in village Kangaryian in order to get rid of her and thereafter a false story had been coined by him in order to entrap the appellant – herein (accused) in this case falsely.

Now let us see the evidence as available on record in order to appreciate this contention of learned counsel for appellant.

PW13 – Paramjit Kala as above mentioned deposed to the effect that on the intervening night of 6/7.7.2008, he picked up Mamta from the front of Civil Hospital, Phagwara and he and the appellant – herein took her to the house of her husband situated in village Kangaryian near Phillaur in his vehicle bearing registration No.PB08G/3602. After leaving her in that village, he and the appellant-herein (accused) came back. Then as per the testimony of PW16 – Ramesh Kumar, he went to the house of Mamta (since deceased) situated in the area of Mohalla Ranjit Nagar, Phagwara, on the 6th of about one year prior to the occurrence at about 9:00 p.m. on hearing an uproar and came back after scolding them not to fight and upset the peace in

the area. Then he again went to her house on hearing the *raula* and found her burning. Then it also came in his cross-examination that at that time accused Kamal was on the roof top. So from the testimony of PW16 – Ramesh Kumar, one thing is clear beyond any doubt that the alleged occurrence had taken place at the spot as alleged by the prosecution and the appellant-herein (accused Kamal) was also present therein at the said material time. Then PW16 – Ramesh Kumar had also firmly stated that he and accused took injured Mamta to Civil Hospital, Phagwara and at their instance, he arranged a conveyance for both of them, fare of which was paid by him.

11. Then there was some other evidence also to establish the fact that the alleged occurrence took place in the house of deceased with whom the accused had been putting up at the relevant time. Then it also came on record in the statement of PW11 – SI Gulzar Singh, the Investigating Officer, that he visited the spot of alleged occurrence along with the accused during investigation of this case, from where the accused got recovered burnt clothes of Mamta (since deceased), one oil can and one match-box which were taken into police possession vide memo Ex.PU/2 after converting the same into two separate sealed parcels. Then the rough site-plan Ex.PU/3 of the spot of alleged occurrence also justifies this stand of prosecution.

So the above discussed material on record is held to be enough to hold that the alleged occurrence took place in a room situated in the above-said Mohalla Ranjit Nagar, Phagwara wherein deceased and accused had been residing together and also to fix the presence of the appellant-herein (accused) therein at that time. Nothing had come on the file to say that the alleged occurrence took place in the house of PW14 – Mangat Ram situated

in the area of village Kangaryian near Phillaur or that a cooked up version had later on been created to implicate the accused in this case falsely. Rather it has been found that appellant – herein (accused) along with PW16 – Ramesh Kumar took injured Mamta after the alleged occurrence to Civil Hospital, Phagwara and instead of admitting her therein for her treatment, he by exercising his agility took her to her husband's house in village Kangaryian by arranging a taxi of PW13 – Paramjit Kala. So the above contention of learned counsel for the appellant is nothing but like a sand wall having no substance for its sustainability. Rather it is held to be just a square peg in a round hole being against the record.

12. Then the learned counsel for the appellant has contended further that the alleged dying declaration Ex.PT/7 of deceased is neither believable nor it inspires any confidence since it was the brainchild of Mangat Ram – PW14, the husband of the deceased. In order to elaborate his contention, he further submitted that deceased had remained under the care and control of this PW14 throughout the night intervening 6/7.7.2008 before making her said dying declaration and hence this witness had sufficient opportunity to poison the mind of deceased against this appellant for involving him in this case falsely and also to save his own skin from the criminal liability in this case.

Now let us see the version of prosecution qua this dying declaration as set up in this case. In this regard, it was the plea of prosecution that appellant – herein (accused) after the alleged occurrence took the deceased to Civil Hospital, Phagwara along with PW16 – Ramesh Kumar from where they got arranged a conveyance of PW13 – Paramjit Kala

through PW16. Thereafter, the appellant-herein along with PW13 – Paramjit Kala took the deceased to her husband's house situated in village Kangaryian in the taxi driven by PW13. After leaving her in injured condition in front of the house of her husband, the appellant-herein along with PW13 came back. So being faced with this situation, PW14 – Mangat Ram, the husband of the deceased was duty bound to take care of her and got her admitted in Civil Hospital, Phillaur for her treatment on the next morning i.e. 7.7.2008 wherein she suffered her alleged dying declaration Ex.PT/7 before Judicial Magistrate, Phillaur.

PW9 Dr. Neeraj Sodhi remained present in the concerned premises of Civil Hospital, Phillaur when this dying declaration was recorded by PW15 – Sh.K.K. Singla, Judicial Magistrate. Nothing had come in this statement to suggest that Mangat Ram, the husband of the deceased was also present therein at the time of recording of her said dying declaration. His presence with the deceased on the night intervening 6/7.7.2008 was somewhat natural and normal one since in our society it is the moral, social as well as legal duty of the husband to stay with his spouse while she is in a serious condition either on account of injuries or burns to take care of her to all intents and purposes. Nothing had come on the file to show that conduct of PW14 – Mangat Ram was unusual during this time whereby promoting the deceased to suffer the alleged dying declaration against the appellant for any ulterior motive with any malafide intention. Besides the above discussed dying declaration Ex.PT/7, there was also an oral dying declaration made by deceased before PW14 – Mangat Ram that accused, after a brabble poured kerosene on her and set her on fire. In this

connection PW17 – Santosh also revealed that deceased had told her that she was put on fire by the accused. She (deceased) had made the above-said revelations before PW14 and PW17 when she was left by the appellant-herein (accused) at the house of her husband Mangat Ram (PW14) in village Kangaryian after the alleged occurrence.

For the above discussed reasons, the above contention of learned counsel for the appellant also does not hold any water and declined accordingly.

13. Learned counsel for the appellant regarding the above-said dying declaration has also contended that as per the case of prosecution, deceased was having 90% burns on her body at the time when she was got admitted at Civil Hospital, Phillaur. Herein, he has contended that it is difficult to say that a person with 90% burns on his/her body will remain conscious and co-operative at the time of recording of his/her statement before any authority whether police or judicial or the doctor as well and as such for this reason the alleged dying declaration of deceased Ex.PT/7 is not free from suspicion. There is no doubt that as per the case of prosecution deceased was having 90% burn injuries on her body at the time of recording of her said dying declaration. But a person suffering from burns remains conscious for some time due to the severe pains on account of burns depending upon his/her physical health and the condition of such a patient worsens with the passage of time due to deterioration of burn injuries subject to their depth and other dimensions.

In this case as per bed head ticket Ex.PD/1 of the deceased, her blood pressure was 100/72 and pulse rate was 90 per minute when she was

medically examined in the hospital on her admission. So her blood pressure and pulse rate also indicate that she would be conscious as well as co-operative at the time of recording of her alleged dying declaration Ex.PT/7. Then as per the statement of PW9 Neeraj Sodhi, he gave his opinion Ex.PT/1 on police application Ex.PT that patient was fit to make her statement. Thereafter, her statement was recorded by the Judicial Magistrate, Phillaur in the presence of this doctor. Then after recording her statement, doctor again certified vide endorsement Ex.PT/2 that patient remained conscious and fit during the recording of her statement. Then there is also certification Ex.PT/9 by Judicial Magistrate that while recording her said statement, the patient remained fit and conscious to make her statement. So in the light of this medical and documentary evidence, the above contention of learned counsel for the appellant is also held to be not maintainable.

14. Then the learned counsel for the appellant has also pointed out that prosecution has failed to establish any motive to commit the alleged crime on the part of the appellant – herein (accused). But when there is sufficient evidence on the record to establish the involvement of the appellant – (accused) in the commission of the alleged crime, then the absence of motive or failure to prove any particular motive to commit that crime becomes quite meaningless as well as immaterial. In the case in hand, as above discussed, there is exuberancy of evidence to establish the involvement of the appellant-herein (accused) in the commission of alleged crime.

15. Though PW-16 Ramesh Kumar did not support the case of

prosecution on a particular material point, but the same had failed to cause any kind of tremor in the case of prosecution, when there is sufficient amount of evidence on record as above discussed to prove version of prosecution as well as the complicity of appellant-herein (accused) in this case.

16. Then PW2 Dr. Mahesh Kumar Prabhakar explained to Mangat Ram, husband of the deceased, regarding her precarious condition. He also advised him to take her to some higher institution for her further treatment. As per the medical record available on the file, deceased was admitted in Civil Hospital, Phillaur on 7.7.2008 at 6:50 A.M. and she expired on the same date at about noon time i.e. 12:50 p.m. Her husband could not take her to the higher institution for her treatment may be for the reason, he being out of pocket or due to paucity of time.

17. In the light of above discussion, no merit is found in this appeal. So it stands dismissed. Impugned judgment and order of sentence under appeal stand upheld. This appeal is disposed of accordingly.

16.09.2016
Gaurav Sorot/Brij

(T.P.S.MANN)
JUDGE

(GURMIT RAM)
JUDGE

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| 1. | Whether reportable? | No/Yes |
| 2. | Whether reasoned / speaking? | No/Yes |