

In the High Court of Punjab and Haryana at Chandigarh.

Criminal Appeal No.D-1300-DB of 2015

Date of Decision:- October 24, 2017

Robin Masih

.....Appellant

Versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurvinder Singh Gill

Present : Mr. Ankur Mittal, Advocate, amicus curiae, for the appellant.

Ms. Ruchika Sabharwal, Assistant Advocate General, Punjab.

Gurvinder Singh Gill, J.

1. Robin Masih has filed the present appeal challenging judgment dated 10.2.2012 passed by Court of learned Sessions Judge, Faridkot vide which he has been convicted for committing offence punishable under Section 302 of Indian Penal Code, 1860 (for short, 'IPC') and has been sentenced to undergo imprisonment for life and to pay fine of ₹20,000/-.
2. The matter arises out of FIR No.26 dated 22.4.2011 under Section 302 of IPC lodged at Police Station, Sadiq, on the basis of statement (Ex.PB) of Pal Masih recorded by SI Gursewak Singh on 22.4.2011. The translated gist of statement (Ex.PB) of complainant reads as follows:

“I have two sons and two daughters. My elder daughter namely

Poonam @ Suman aged 25 years was married to Manual Masih @

Mintu son of Jama Masih, resident of Sadiq, about 7 years back. She was blessed with a son and two daughters. Today, at about 11 O'clock, when I had gone to visit my daughter, I came to know that she and my son-in-law are harvesting wheat crop in the fields of Master Jaswant Singh. I went to the fields of Master Jaswant Singh and started talking to my son-in-law. My daughter went to the motor room situated at a little distance to prepare tea. In the meantime Robin Masih came there and raised '*lalkara*'(exhorted) addressing my daughter that he will not spare her alive, upon which my daughter ran towards the vacant fields. Robin Masih who was armed with a small weapon chased her. My daughter, myself and my son-in-law raised alarm. However, within our sight, Robin Masih inflicted 4-5 blows with his weapon in abdomen of my daughter as a result of which she fell down. While she was lying, Robin Masih gave blows on her neck. When we rushed towards her, Robin Masih ran away with his weapon. Poonam died at the spot. The motive is that Robin Masih was having an evil eye on my daughter which my daughter Poonam did not like and she had told about the same to my wife. Due to said reason Robin Masih had murdered my daughter. After leaving my son-in-law with the dead body, I proceeded to the police station when police met me near Sadiq chowk. I have made my statement. Action be taken."

3. Consequent upon registration of FIR, the matter was investigated by the police. Inquest proceedings were conducted. The dead body was sent for post mortem examination. Blood stained earth was lifted from the spot. A rough site plan of the place of occurrence was prepared. The accused was arrested on 25.4.2011. During interrogation the accused made disclosure statement (Ex.PE/8) to the effect that he had concealed a small weapon of iron under a '*kikar*' tree and could get the same recovered. Pursuant to the said disclosure statement he led the police party to the disclosed place and got the weapon recovered which was taken into possession vide recovery memo Ex.PE/9. During investigation, the police recorded statements of witnesses under Section 161 Cr.P.C. Upon conclusion of investigation challan was presented in the Court of learned Judicial Magistrate 1st Class, Faridkot on 18.7.2011 who committed the case to the Court of Sessions vide order dated 1.8.2011. The learned Sessions Judge, Faridkot, finding sufficient grounds to presume that accused had committed an offence punishable under Section 302 IPC framed charges against the accused to which the accused pleaded not guilty and claimed trial.
4. The prosecution in order to establish charges against the accused examined as many as 8 witnesses. PW-1 Dr. Shilekh Mittal who had conducted post mortem examination on the dead body of Poonam @ Suman proved the post mortem report as Ex.PA/2. PW-2 Pal Masih complainant stated in tune with his statement (Ex.PB) on the basis of which FIR was lodged. PW-3 Manual Masih, son-in-law of the complainant, stated in corroboration to the statement of PW-2 Pal Masih. PW-4 Virsa Singh proved the scaled site plan of the place

of occurrence prepared by him as Ex.PD. PW-5 Balbir Singh stated that he had taken land of Master Jaswant Singh on lease and that the murder had taken place in the neighbouring fields of Rajpal Singh. PW-6 Inspector Gursewak Singh who is the Investigating Officer of the present case stated in detail in respect of the entire proceedings conducted in the case right from recording statement(Ex.PB) of the complainant on the basis of which FIR was lodged upto filing of challan. He has proved various memos prepared during investigation of the case. PW-7 HC Rattan Lal and PW-8 HC Baldev Singh, MHC have stated as regards deposit of the case property i.e. blood stained earth, slippers and dagger in the office of FSL.

5. Upon conclusion of the prosecution evidence, entire incriminating evidence appearing against the accused was put to the accused to enable him to explain the same but the accused denied the prosecution case in toto and pleaded false implication. The accused was afforded opportunity to lead evidence in his defence but has not led any evidence.
6. The learned trial Court, upon appreciating the evidence on record held the accused guilty for committing offence punishable under Section 302 of IPC, vide judgment dated 10.2.2012. Aggrieved against his conviction, the appellant has filed the present appeal.
7. The learned counsel for appellant has assailed the case of prosecution on various counts. It has been submitted that the medical evidence led by prosecution is not consistent with ocular version. In fact the medical evidence cannot be accepted to establish the fact that the injuries in

question had been caused with the weapon allegedly recovered at the instance of the accused. The learned counsel further submitted that there are various inconsistencies in the case of prosecution and that the manner in which the occurrence is alleged to have taken place is in fact not possible especially in the presence of the eye-witnesses who were present in the same fields where the occurrence allegedly took place. The learned counsel has further submitted that in fact the evidence led by prosecution is contrary to the version of the complainant as regards the place of occurrence, which completely demolishes the prosecution case. The learned counsel has thus submitted that in view of the infirmities and lacunae in the case of prosecution his conviction cannot sustain and has prayed for acquittal of the accused.

8. On the other hand the learned counsel representing the State has submitted that the impugned judgement is well reasoned and has been passed after appreciating the evidence on record and there is no infirmity in the same and has prayed for dismissal of the appeal.
9. We have considered rivals submissions addressed before this Court and with able assistance of learned counsel have also perused the relevant referred record.
10. Before referring to other contentions raised by learned counsel for the accused, it is apposite to briefly discuss the medical evidence. Prosecution has examined PW-1 Dr. Shilekh Mittal who had conducted post mortem examination on the dead body of Poonam. PW-1 Dr. Shilekh Mittal while

proving the postmortem report (Ex.PA/2) described the injuries found on the dead body as follows:

- “1) An incised chop wound 12 x 07 cms on the front of the neck, clotted blood was present. All the internal structures of the neck were cut (trachea, muscles, carotid vessels, jugular vessels), the body of C-3 was fractured, clotted blood was present.
- 2) An incised stab wound wedged shaped 03 x 1.5 cms on the right side of the abdomen in the epigastric region 11 cms above and lateral towards right from Umblicus at 11'Oclock position, clotted blood was present.
- 3) An incised stab wound wedged shaped 06 x 03 cms on the front of the abdomen at the epigastric region 12 cms above Umblicus at 12'O clock position, clotted blood was present.
- 4) An incised stab wound wedged shaped 02 x 1.5 cms on the front of the abdomen just towards left from the injury No:03, clotted blood was present.
- 5) An incised stab 06 x 2.5 cms on the right lateral aspect of the abdomen, 03 cms above posterior-superior iliac spine wedged shape, clotted blood was present.
- 6) An incised wound 2.5 x 0.5 cms on the back of right side of trunk, 1.5 cms backward to the injury No:5, clotted blood was present.
- 7) An incised wound 04 x 2 cms on the back of right hand at the web of thumb, clotted blood was present.
- 8) An incised wound 2 x 0.5 cms on the lateral aspect of of right forearm, 2.5 cms above wrist, clotted blood was present.
- 9) An incised wound 02 x 01 cms on the palmar aspect of right hand at the middle finger in its middle, clotted blood was present.

- 10) An incised wound 02 x 01 cms on the palmar aspect of right hand at the ring finger in its middle, clotted blood was present.
 - 11) An incised wound 01 x 0.5 cms on the front of the abdomen, 03 cms above Umbilicus at 12'O clock position, muscle deep, clotted blood was present.”
11. PW-1 Dr. Shilekh Mittal further opined that all the injuries were ante mortem in nature and that the cause of death was haemorrhage and shock as a result of multiple injuries which were sufficient to cause death in the ordinary course of nature.
12. From the above referred medical evidence it is evident that it is a case of homicidal death having been caused due to the incised and stab wounds sustained by deceased Poonam.
13. The learned counsel for the appellant, at the outset submitted that as per Inquest Report Ex.PA/5, the dead body was identified by Jit Masih resident of Oojhan Tehsil Fazilka and by one Baljinder Singh resident of Sadik but none of the said witnesses were examined by the prosecution which renders the identification highly doubtful. It is further submitted that the complainant who is father of the deceased has not identified the dead body and which leaves much to be explained on the part of the prosecution.
14. We have considered the aforesaid submission. The relevant column at Sr. No.4 of Form No.25.35 (I) pertaining to Inquest proceedings, as prescribed in Cr.P.C., reads as follows:

4	Name of those two or more persons with their father's name and residence who identified that dead body is of the Particular person mentioned in the report.	
---	---	--

15. A perusal of the aforesaid contents of the relevant column shows that there is no such requirement that the dead body should be identified by the parents or relatives of the deceased. Inquest proceedings are conducted immediately when any unnatural death is reported to the police. At that point of time, the parents or immediate relatives, even if present, may be in a state of shock and in such circumstances if there are others who are able to identify, the needful is got done by the police from such persons. It is not necessary for the police to get the dead body identified specifically from the complainant or the parents or the relatives of the deceased. In any case, the death took place in Sadiq where the deceased was residing and thus her identification would not be difficult in her village. The witness namely Baljinder Singh is also a resident of village Sadiq which leaves no room to doubt the identification of dead body. In view of the aforesaid discussion we do not find any merit in the aforesaid contention and the same is hereby rejected.
16. The learned counsel for the accused, while referring to the site plan Ex.PE submitted that as per the site plan, the accused had come from the road abutting the fields and the deceased was preparing tea near the 'kotha' which is situated at the farther end of the fields, away from the road and in these circumstances it remains unexplained as to why the deceased chose to run towards the road when the accused raised 'lalkara' rather than running away from the accused.

17. We have considered the aforesaid submission. It is correct that as per the case of the prosecution, the accused had come from the road and had entered the fields after raising '*lalkara*'. However, the site plan shows that the fields have considerable width abutting the road. Further, the fields where the deceased was working is surrounded by fields on the western as well as on the eastern side which also abut the road. If one enters the fields from one end abutting the road, the other end abutting the road would still be reasonably far away to enable the victim to make an attempt to escape the attack. It is not the case of the prosecution that the accused had raised '*lalkara*' right when he was on the road. The deceased must have started running away from the accused when accused came near her and she could have run on either side to save her life. During cross-examination of PW-3 Manual Masih, he stated that accused was at a distance of 4-5 karams from Poonam when he raised '*lalkara*' and that Poonam started running away and must have run for about 10-12 karams before the first injury was inflicted in stomach by the accused and that upon receipt of the first blow, she fell down. In these circumstances it cannot be said that she had actually run towards the accused. The aforesaid contention, thus, does not carry weight, and cannot be accepted.
18. The learned counsel has next submitted that it also remains unexplained as to why PW-2 Pal Masih and PW-3 Manual Masih @ Mintu who were present at the spot did not make any effort to save the deceased though, as per the case of prosecution as many as 11 injuries had been caused which must have consumed some time to afford opportunity to PW-2 Pal Masih and PW-3 Manual Masih to come near the deceased to save her.

19. We have considered the aforesaid submission. The field in question is not a small field. The weapon carried by the accused was in the nature of small dagger and the accused could have given repeated blows with the same in quick succession to cause the injuries found on the dead body of Poonam. As per PW-2 Pal Masih and PW-3 Manual Masih @ Mintu they had immediately rushed towards Poonam but by that time the injuries had already been caused. Since there is no evidence to show that the deceased had been able to put up any effective resistance, therefore, causing of 11 injuries in quick succession is possible and it cannot be said that the same could not have been caused in the manner stated by the complainant. The contention raised by learned counsel in this regard is devoid of merits and cannot be accepted.
20. The learned counsel for the accused has next submitted that though the incident in question had taken place in the afternoon at about 11.30/12 noon but as per the post mortem report Ex.PA/2, the dead body was received on next day i.e. on 23.4.2011 at 9.15 AM and that the said delay had not been explained by the prosecution in any manner.
21. We have considered the aforesaid submission. A perusal of the record does show that the same is silent as to whether the dead body had been kept in mortuary during the intervening period or not but in our opinion the said omission, by no stretch of imagination can be said to be fatal to the case of the prosecution. PW-1 Dr. Shilekh Mittal, has specifically opined that the cause of death was hemorrhage and shock as a result of the multiple injuries which were sufficient to cause death in ordinary course of nature. A perusal of post mortem report Ex.PA/2 shows that the PW-1 Dr. Shilekh Mittal has

specifically opined that all the injuries were ante mortem in nature. The duration between the death and post-mortem, as opined by the doctor, is also in tune with the case of prosecution. Thus, the contention of the learned counsel regarding delay in post-mortem and the omission to explain the said delay, is rendered meritless.

22. It has also been contended by learned counsel for the accused that from the statements of PW-2 Pal Masih and PW-3 Manual Masih, it transpires that no effort whatsoever was made by them to provide any medical treatment to the deceased and no attempt was made to see if the deceased could be revived.
23. We have considered the aforesaid submission. A perusal of the FIR shows that the complainant Pal Masih has specifically stated therein that when after the injuries had been caused to the deceased, they rushed towards her but they found that Poonam had died at the spot. The occurrence in the present case had taken place at 11.30/12 in the noon. Perusal of proceedings recorded by SI Gursewak Singh below the ruqa(Ex.PB) indicate that the same had been recorded by 1.30 PM. The police would have also ascertained about the fact as to whether Poonam was alive or not before conducting Inquest proceedings. In case she had been alive, the police would have rushed her to the hospital. In these circumstances when even the police had reached immediately at the spot and found Poonam to be dead, there was no occasion for providing medical treatment to Poonam(deceased). The contention raised in this regard is thus devoid of merits and cannot be accepted.
24. The learned counsel for the accused has next submitted a very vague description of the weapon of offence given in the FIR wherein it is simply

stated that the accused was carrying a small weapon made of iron. The learned counsel has further submitted that even in the disclosure statement Ex.PE/8 and also in the recovery memo Ex.PE/9 the description of weapon has been given as weapon made of iron. The learned counsel while referring to the sketch Ex.PA/8 of the recovered weapon has submitted that the weapon in question is a dagger and for reasons best known to the prosecution, it has chosen to give a vague description which indicates that the weapon in question had been planted on the accused subsequently by showing the same to have been recovered at the instance of his alleged disclosure statement.

25. We have considered the aforesaid submission and have also perused the record. The description of the weapon as given by the complainant in FIR as a small weapon made of iron cannot be said to be inconsistent with the recovered weapon which appears to be a crude weapon made of iron and which as per the sketch Ex.PA/8 has a handle which has four holes in it for gripping the same by inserting fingers in the same. The weapon is not a usual knife. The sketch of recovered weapon shows there are five saw blade type angular teeth on one side of the blade. As such, the description as given by the complainant and the witnesses of the weapon in question to be a small weapon, made of iron, is reasonably appropriate description. In any case, the said description cannot be said to be contrary, in any manner, to the recovered weapon. The aforesaid submission is devoid of merits and is rejected.
26. The learned counsel for the accused has next submitted that though the prosecution has attributed the motive for crime to the accused who was allegedly having an evil eye on the daughter of the complainant which the

deceased did not like but no evidence in the shape of any complaint to any authority had been led by the prosecution. He further submitted that even the husband of the deceased, during his cross-examination, admitted that neither he nor his wife Poonam (deceased) complained about the advances of the accused towards her either to the police or to their relatives or to Panchayat and that in these circumstances the motive for the crime cannot be said to be established.

27. We have considered the aforesaid submission. In the present case the complainant PW-2 Pal Masih, father of the deceased, has consistently stated about the motive in FIR as well as in the witness box and that the same was disclosed by his daughter to him as well as to his wife. The deceased in order to avoid inviting unnecessary attention may not have chosen to report the matter to the police or the Panchayat. In any case, it is well settled when direct evidence of crime is available, then motive loses significance. A reference in this context may be made to a judgement of Hon'ble Apex Court reported as (2016) 10 SCC 663 Saddik @ Lalo Gulam Hussein Shaikh & Ors vs. State of Gujarat wherein it was held as follows:

“ It is settled legal position that even if the absence of motive, as alleged, is accepted, that is of no consequence and pales into insignificance when direct evidence establishes the crime. Therefore, in case there is direct trustworthy evidence of witnesses as to commission of an offence, the motive part loses its significance. Therefore, if the genesis of the motive of the occurrence is not proved, the ocular testimony of the witnesses as to the occurrence cannot be discarded only on the ground of absence of motive, if otherwise the evidence is worthy of reliance.”

28. The learned counsel for the accused has submitted that the police did not take into possession the utensils used by the deceased for making tea and that in the absence of the same, the prosecution story that the deceased was preparing tea does not stand established.
29. We have considered the aforesaid submission. By no stretch of imagination the utensils used for preparing tea can be said to be evidence of crime so as to be made a case property. The crime had been committed with the help of a dagger which the accused carried with him when he ran away from the spot. The fact that the deceased was preparing tea has nothing to do with the commission of crime and as such omission on the part of the Investigating Officer to take into possession the utensils cannot be said to be fatal to the case of prosecution.
30. The learned counsel for the accused has next submitted that the post mortem report Ex.PA/2 and the opinion of the doctor regarding cause of death can not be relied upon as the weapon of offence was never shown to the doctor at the time of seeking his opinion regarding cause of death and it was merely the sketch of the weapon which was shown to him.
31. We have considered the aforesaid submission. Though, ideally the Investigating Officer was expected to show the weapon to the doctor when his opinion was sought regarding possible use of weapon in question for causing the injuries, but the post-mortem report or his opinion cannot be discarded solely on account of the said omission. The doctors by their experience would be in a position to opine even on the basis of a sketch regarding possible use of weapon. When the doctor appeared in the witness box for his deposition

and for proving the post-mortem report, the dagger in question i.e. Ex.MO/1 was physically shown to him and the same was found to be tallying with the sketch Ex.PA/8 on the basis of which the Doctor had given his opinion regarding the possibility of use of the weapon for causing injuries found on the dead body. In any case, even if the weapon in question had been shown to the doctor at the time of seeking his opinion, still he could, at best, opine only as regards the possibility of causing of injuries found on the dead body with the weapon in question. A doctor would normally never state affirmatively to the effect that the injury had been caused with that very weapon. In case the doctor, upon seeing the weapon in the Court, felt that the injuries were not possible with the same, he could have stated so when he appeared in the witness box. The injuries found on the body of Poonam were in the nature of incised wounds and incised stab wounds which can possibly be caused with the sharp edged blade type of weapon as was recovered in the present case. As such, the medical evidence led by the prosecution cannot be said to be inconsistent with the case of prosecution or with the ocular version.

32. The learned counsel for the accused next submitted that as per the complainant, he went to the fields of Master Jaswant Singh where his daughter and son-in-law were harvesting wheat and where the accused Robin Masih came and attacked the deceased, but as per the site plan Ex.PE the dead body was found lying at Point-A in the fields of Rajpal Singh. The learned counsel for the accused also referred to statement of PW-5 Balbir Singh who stated that he had taken land of Master Jaswant Singh on lease and had grown wheat crop and that the murder had taken place in the neighbouring fields and not in

his fields. During cross-examination he has specifically stated that the murder had taken place in the fields of Rajpal Singh.

33. We do find that the aforesaid inconsistency is there but it needs to be borne in mind that fields of Master Jaswant Singh and Rajpal Singh are absolutely adjacent as per the site plan Ex.PE and also as per the statement of PW-5 Balbir Singh. In fact the '*kotha*' in question where the deceased was preparing tea is right on the boundary between the fields of Master Jaswant Singh and Rajpal Singh. Further it is also borne out that when the accused raised '*lalkara*' the deceased ran for a few karams before the accused inflicted injury on her. PW-3 Manual Masih, during cross-examination, stated that accused was at a distance of 4-5 karams from Poonam when he raised '*lalkara*' and that Poonam started running away and must have run about 10-12 karams when the first injury was caused to her and she fell down upon receiving the first blow. Thus, it transpires that though the deceased was working in the fields of Master Jaswant Singh, but after the chase and attack on her, she breathed her last in the fields of Rajpal Singh. In any case even if it is taken that there is minor discrepancy regarding nominating the place of attack, the same would not be very significant especially when both the fields are adjacent. The contention raised in this regard does not carry weight and is rejected.
34. During arguments, the learned counsel also submitted that in fact relations between the deceased and her husband PW-3 Manual Masih were strained and it is the husband Manual Masih who had killed Poonam so as to pave way for his second marriage and that the factum of the second marriage has been admitted by PW-3 Manual Masih @ Mintu during his cross-examination itself.

35. We have considered the aforesaid submission. The aforesaid submission cannot possibly be accepted inasmuch as if the relations between the deceased and her husband were strained, then the father of the deceased would be the last person to state consistently with the testimony of husband of the deceased. Rather, in such an eventuality, the father of the deceased would have raised all type of allegations against husband of the deceased. The aforesaid submission being devoid of merit is rejected.
36. The learned counsel for the accused has next submitted that as per the testimony of Investigating Officer SI Gursewak Singh (PW-6) he had seen blood stained earth near the dead body of the victim but he did not see any trail of blood. The learned counsel has submitted that since as many as 11 injuries had allegedly been received by the deceased, therefore, there should have been a trail of blood at the spot especially when the deceased was running.
37. We have considered the aforesaid submission. It is borne out from the statement of PW-2 Pal Masih and PW-3 Manual Masih that immediately on receipt of first injury by the deceased in her abdomen she fell down. There is no such evidence that the deceased was dragged after causing injuries or that she was running even after having sustained injuries so as to leave a trail of blood. As such, there is no justifiable ground to accept the aforesaid contention.
38. It has next been submitted by learned counsel for the accused that though as per report of FSL (Ex.PE/11), the recovered knife was found to be stained with human blood but in view of the fact that the knife in question was recovered a

week after the occurrence and that too buried in soil, the blood stains could not have been there on the knife in question.

39. We have considered the aforesaid submission. There is no such scientific authoritative opinion that in case weapon or article smeared in blood is buried in soil, the blood stains would absolutely vanish. Infact, if the weapon is not immediately buried, the blood stains on such weapon would get dried up before the same is buried and the chemical examination would reveal existence of blood on such article. It is not the case that the place from where the knife was recovered was muddy or there was water in that area so as to suggest that there was no possibility at all of the blood stains to have been there on the knife in question. In any case, the FSL is an independent agency and would have no bias or favour towards the prosecution or the accused so as to furnish incorrect report. There is no material on record to doubt the correctness of the report in question. As such the submission raised by learned counsel to assail the report of FSL is without any merit and cannot be accepted.
40. It has also been submitted by learned counsel for the accused that the case property i.e. the dagger in question was not immediately deposited with the FSL as would be evident from the testimonies of PW-7 HC Rattan Lal and PW-8 HC Baldev Singh who have both stated that the case property was taken to the office of FSL, Chandigarh on 5.5.2011 by HC Baldev Singh but due to certain objections the same was not accepted and thereafter it was on 8.5.2011 that the same was deposited in the office of FSL Chandigarh.

41. We have perused the statements of PW-7 HC Rattan Lal and PW-8 HC Baldev Singh. A perusal of the said statements shows that due to certain objection, the case property was not deposited with FSL on 5.5.2011 and consequently HC Baldev Singh returned back and deposited the same back in the Malkhana with PW-8 MHC Rattan Lal. It was on 8.5.2011 that the case property was again entrusted to HC Baldev Singh by MHC Rattan Lal who deposited the same in the office of FSL on 9.5.2011. Both the witnesses have specifically deposed that as long as the case property remained in their possession, the same was not tampered with. Though the nature of objection is not forthcoming but the said omission would lose significance in view of the fact that both witnesses have consistently stated that the case property was duly sealed and the same was not tampered with. Further the report of FSL Ex.PE/11 also reveals that the parcels received in the laboratory were duly sealed and the seals were found intact and tallied with the specimen seals. In these circumstances the contention raised on behalf of learned counsel for the accused does not carry any merit and is rejected.
42. No other point has been raised or urged before this Court.
43. As a sequel to our discussion made above, we find that the statements of the complainant i.e. PW-2 Pal Masih and of the other eye witness PW-3 Manual Masih are consistent on all material aspects pertaining to causing of injuries to Poonam by the accused with the help of dagger resulting in her death. The medical evidence is absolutely in tune with the oral evidence regarding existence of the injuries and regarding the possibility of the same having been caused with the weapon in question and also as regards the cause of death.

There is nothing to doubt the factum of recovery of dagger at the instance of the accused in pursuance to his disclosure statement. The number of injuries and the manner in the same were caused leaves no manner of doubt that the accused had caused the same with an intention to kill the deceased. The impugned judgment has been passed by the trial Court after appreciating all the relevant aspects of the case. There is no misreading of evidence. We do not find any infirmity in the impugned judgment and the same is upheld.

44. There is no merit in this appeal and the same is hereby dismissed.
45. Before parting with the judgment, we place on record our appreciation about the able assistance provided to the Court by Shri Ankur Mittal, Advocate who was appointed amicus curiae to assist the Court.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

October 24, 2017
mohan

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No