

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRA-D-708-DB-2003

Date of decision: 17.05.2017

Harinder Singh @ Chiriwala

.....Appellant

Versus

State of Punjab

.....Respondent

**CORAM : HON'BLE MR.JUSTICE T.P.S. MANN
HON'BLE MR.JUSTICE H.S. MADAAN**

Present: Mr. Balbir Singh, Advocate
for the appellant.

Dr. Deipa Singh, Addl. A.G., Punjab.

H.S. MADAAN, J.

This appeal has been preferred against judgment and order of sentence dated 09.07.2003 passed by the Court of learned Additional Sessions Judge, Fast Track Court, Ludhiana, vide which he had convicted accused-Harinder Singh @ Chiriwala for an offence under Section 302 of the Indian Penal Code ("IPC" – for short) and sentenced him to undergo rigorous imprisonment for life and to pay a fine of ₹5,000/- and in default of payment of fine, to undergo further rigorous imprisonment for two years.

The accused-convict, who is appellant before this Court prays that the appeal filed by him be accepted, the impugned judgment of

conviction and order of sentence be set aside and he be acquitted of the charge framed against him.

Briefly stated, the prosecution story, as it emanated during the trial is that on 09.08.1999, a wireless message was received at Police Station, Jodhewal, Ludhiana to the effect that one Satnam Kaur wife of Surinder Singh resident of New Subhash Nagar was admitted in CMC Hospital, Ludhiana as a burn case and necessary action in the matter be taken. On receipt of that information, a police party led by ASI Surinder Pal from police station proceeded towards CMC Hospital, Ludhiana. On reaching there, the Investigating Officer moved an application Ex.PC/1 seeking opinion of the attending doctor regarding fitness of injured-Satnam Kaur to make statement, on which the doctor gave the opinion Ex.PC in negative, as such, the police party returned.

On 10.08.1999, ASI Surinder Pal alongwith police officials again went to CMC Hospital, Ludhiana and the doctor declared the injured fit to make statement. The Investigating Officer requested Sh. Satpal, Duty Magistrate, Ludhiana to record statement of injured-Satnam Kaur. Sh. Satpal, Judicial Magistrate Ist Class, Ludhiana who was Duty Magistrate went to CMC Hospital, Ludhiana and recorded statement of Satnam Kaur. Such statement Ex.PW12/A for ready reference is reproduced as under:-

“I was married to Surinder Singh for the last 1½ years. I have not been blessed with any child. My husband is suffering from skin disease and for that he had been

obtaining medicines for the disease from someone, but there were no signs of the recovery. On 09.08.1999 at about 10 am I and my husband picked up quarrel and my husband told me that he was not sick from the date of birth and he would recover. Upon this my father-in-law remarked that as when anyone is married, one is not touched and felt by holding pulse of a person concerned. Thereafter my husband went to the factory and I went to my kitchen. My father-in-law poured kerosene oil upon me in the kitchen and put me on fire. On my alarm many persons of the Mohalla collected there. I do not know their names as to who had extinguished the fire. My husband is innocent.

*LTI of Satnam Kaur
Sd/- Satpal JMIC Ludhiana (D)
Camp Court at CMC Hospital
At 10.00 p.m.”*

Photocopy of the statement was supplied to the Investigating Officer, who after perusing it found that offence under Section 307 IPC appeared to have been committed, therefore, he recorded the police proceedings Ex.PW12/B and sent ruqa to police station through C.Tirath Ram, on the basis of which formal FIR Ex.PW12/D was recorded by ASI Hakam Singh. ASI Hakam Singh put his endorsement on the original ruqa and sent it back alongwith copy of the FIR, whereas special reports were sent to Illaqa Magistrate and higher police officers.

Then the police party went to the place of incident, where

ASI Surinder Pal carried out spot inspection and prepared rough site plan of place of incident as Ex.PW16/B. He recovered a plastic Can containing kerosene oil from the spot which was converted into a sealed parcel and taken into police possession vide memo Ex.PW14/A. The Investigating Officer had also recovered a match box from the place of occurrence, which was seized vide recovery memo Ex.PW14/B. The Investigating Officer had summoned photographer to the spot and got the photographs thereof. On return to the police station, the Investigating Officer deposited the case property with the MHC.

The injured had expired on the intervening night of 10/11-08-1999 and on coming to know about it, offence under Section 302 IPC was added. The Investigating Officer alongwith other police officials went to CMC Hospital, Ludhiana where dead body of Satnam Kaur was lying. The Investigating Officer carried out inquest proceedings with regard to the dead body. The dead body was identified to him by Avtar Singh and Rachhpal Singh. Their statements were recorded and inquest report was prepared. Dead body was sent for post-mortem examination, after post-mortem examination dead body of Satnam Kaur was handed over to her relatives for the purpose of her cremation. The accused was arrested in this case, necessary documents were prepared in that regard.

After completion of investigation and other formalities, challan against the accused was prepared and filed in the Court of Judicial Magistrate Ist Class, Ludhiana. Copies of documents relied therein were supplied to the accused free of cost as provided under Section 207

Cr.P.C..

Then finding that offence under Section 302 IPC is exclusively triable by the Court of Sessions, the Judicial Magistrate Ist Class, Ludhiana committed the case to the Court of learned Sessions Judge, Ludhiana vide her order dated 10.11.1999, from where, it was entrusted to the Court of learned Additional Sessions Judge, Ludhiana.

On receipt of the case, finding a prima facie case, charge for the offence under Section 302 IPC was framed against the accused, to which he pleaded not guilty and claimed trial, from where the case was fixed for evidence of prosecution.

During the course of evidence of prosecution, it examined as many as seventeen witnesses as per details below:-

PW-1 Avtar Singh son of Mohan Singh, aged about 35 years, brother of Satnam Kaur-deceased stated that Satnam Kaur was married with Surinder Singh son of Harminder Singh @ Chiriwala-accused about 2 years prior to her death; that on 09.08.1999 he received a telephonic message from Surinder Singh, husband of deceased-Satnam Kaur that his father Harminder Singh @ Chiriwala had set Satnam Kaur on fire after sprinkling kerosene oil on her and that Satnam Kaur was admitted in CMC Hospital, Ludhiana, as such, he along with his brother Rachhpal Singh and mother Mukhtiar Kaur reached CMC Hospital, Ludhiana. Satnam Kaur was unconscious, therefore, she did not tell anything on the intervening night of

9/10.08.1999 but on 10.08.1999 at about 8/8.30 a.m. when she had regained consciousness, she told that her father-in-law, Harminder Singh @ Chiriwala had sprinkled kerosene oil on her; that she did not tell anything further to them as to what was the cause of that. Then at about 5:30 p.m. some Judicial Magistrate reached CMC Hospital, Ludhiana and had recorded statement of Satnam Kaur, who had died at about 8:30 p.m. The witness stated that his sister (Satnam Kaur-deceased), her husband and her parents including the accused were putting up together.

PW-2 Dr. Harpreet Singh, Pre-Resident, Department of Plastic Surgery, CMC Hospital, Ludhiana stated that on 09.08.1999, he had personally examined patient-Satnam Kaur admitted in unit No.C-426532 and found the following injuries on her person:-

99% TBSA flame burns

Duration of injury – fresh

Mode of Injury – fresh

Type of injury – Dangerous to life

He proved injury report Ex.PA stating that Satnam Kaur had expired on the next day i.e. 10.08.1999 due to burn injuries; that she had been admitted in the hospital on 09.08.1999 at about 2:35 p.m. having been brought by her husband-Surinder Singh. He further stated that vide his endorsement Ex.PC, he had declared the patient unfit to make statement on application filed by ASI Surinder Pal.

PW-3 Dr. D. Surindran, Senior Resident, Department of Plastic Surgery, CMC Hospital, Ludhiana deposed that vide letter Ex.PB, he had informed SHO, Police Station, Division No.3 with regard to death of Satnam Kaur, who was admitted in their hospital on 09.08.1999 as a case of 98-99% flame burns, who had expired at 8:45 p.m. on 10.08.1999.

PW-4 Dr. Jasbir Singh, Medical Officer, Civil Hospital, Ludhiana stated that on 11.08.1999 he alongwith Dr. J.K. Sidhu had conducted post-mortem examination on dead body of Satnam Kaur daughter of Mohan Singh resident of H. No.8785, Gali No.10, New Subhash Nagar, Ludhiana, the dead body had been brought from CMC Hospital, Ludhiana. He stated that rigor mortis was present and there was superficial to deep burns which were infected all over the body sparing only part of face and perineum; that there was present singeing of hairs of head, all the viscera were congested. The uterus was empty. He stated that cause of death in their opinion was shock as a result of extensive burns which was sufficient to cause death in the ordinary course of nature. All the burns were ante mortem in nature. The probable time that elapsed between injuries and death was 24 hours and between death and post-mortem was about 14-18 hours. He proved copy of the post-mortem report Ex.PD and pictorial diagram showing seats of injuries Ex.PD/1.

PW-5 Sh. Satpal, Judicial Magistrate Ist Class, Ludhiana

deposed that on 10.08.1999 at 12:45 pm he had gone to CMC Hospital as an application had been filed before him by police while he was acting as Duty Magistrate; that on reaching the hospital he had obtained endorsement of the doctor to the effect that Satnam Kaur was fit to make statement. He had then recorded statement of Satnam Kaur at her dictation and had read over the contents to her and said Satnam Kaur after admitting the contents had put her left thumb impression thereon, such statement being Ex.PF. He proved the police application Ex.PF/1 and endorsement of doctor Ex.PF/2. He concluded his examination-in-chief stating that Satnam Kaur was conscious and fit to make statement and she had herself stated the facts before him. The witness stated that nobody except the doctor was present there when he recorded the statement.

PW-6 Iqbal Singh, photographer from Goldy Studio, New Bhagwan Nagar, Ludhiana deposed that on 10.08.1999 he went to the place of occurrence and took photographs thereof; that he had got developed photographs Ex.P1 to Ex.P3 from negatives Ex.P4 to Ex.P6 and then he handed over the photographs alongwith negatives to the police.

PW-7 H.C. Dhanwant Singh, PW-8 C-1 Amrik Singh, PW-9 C. Nishan Singh, PW-10 C. Jiwan Kumar and PW-11 C. Tirath Ram, all formal witnesses tendered into evidence their affidavits Ex.PW7/A, Ex.PW8/A, Ex.PW9/A, Ex.PW10/A and Ex.PW11/A respectively.

PW-12 ASI Hakam Singh from Police Station, Jodhewal, Ludhiana stated that on 10.08.1999, he was posted at Police Station, Jodhewal, on that day he received photostat copy of statement of Satnam Kaur Ex.PW-12/A with endorsement Ex.PW12/B by ASI Surinder Pal and thereafter he recorded FIR Ex.PW12/C.

PW-13 Harminder Singh, Draughtsman stated that on 01.10.1999, he visited the spot and prepared scaled site plan Ex.PW13/A at the instance of Rachhpal Singh-PW by using scale 1"=16'.

PW-14 ASI Sukhwinder Singh, M.D. Cell, Ludhiana who had joined the investigation being carried out by ASI Surinder Pal on 10.08.1999 deposed regarding what had transpired in his presence.

PW-15 Rachhpal Singh, a brother of deceased-Satnam Kaur stated that he alongwith his brother Avtar Singh and mother, Mukhtiar Kaur came to know that Satnam Kaur was lying admitted due to burn injuries in CMC Hospital, Ludhiana. He had gone there but he was not permitted to enter the room, where Satnam Kaur was lying. On 10.08.1999 he returned from Patiala and went inside the room where Satnam Kaur was lying. Satnam Kaur told him that about 9/10 a.m. on 09.08.1999 she had a quarrel with her husband Surinder Singh and after that Surinder Singh went to factory whereas accused-Harminder Singh @ Chiriwala, father of Surinder Singh, in absence of Surinder Singh poured kerosene oil on her and set her on fire. The witness stated that

he had gone to place of occurrence where police was already there and in his presence police recovered a plastic Can containing kerosene oil and a match box which were converted into sealed parcels and taken into police possession vide recovery memos Ex.PW14/A and Ex.PW14/B respectively. The witness stated that Satnam Kaur died on 10.08.1999 while she was admitted in CMC Hospital, Ludhiana and he had identified her dead body during inquest proceedings.

PW-16 ASI Surinder Pal, the Investigating Officer of this case deposed regarding investigation conducted by him.

PW-17 Samson, Secretary, office of Medical Superintendent, CMC Hospital, Ludhiana had brought summoned record concerning Dr. Sachin Chatterjee, who was earlier posted as Post Graduate Resident Doctor in CMC Hospital, Ludhiana in the year 1999, however, he had left that service and his latest whereabouts were not known. The witness stated that such doctor was posted at CMC Hospital, Ludhiana and during his tenure he had seen him writing and signing, therefore, he is acquainted with his signatures and handwriting. He stated that endorsement Ex.PF/1 is in hand of Dr. Sachin Chatterjee.

Learned Public Prosecutor tendered in evidence report of FSL Ex.PZ and closed evidence of prosecution.

Statement of accused was recorded under Section 313 Cr.P.C., in which all the incriminating circumstances appearing against the accused were put to him, but he denied the allegations contending

that it is a false case.

Further, in addition to pleading false implication, he took up the plea that he had been roped in by the interested witnesses; that there used to be quarrel between the deceased and his son Surinder Singh who had also been murdered by the PWs Avtar Singh, Rachhpal Singh and Mukhtiar Kaur, the mother of deceased-Satnam Kaur; that his son was having very ugly face and deceased-Satnam Kaur was a beautiful lady and there used to be quarrel between them each and every day in which he would intervene and stopped them almost daily; that Satnam Kaur was not pleased with his attitude; that he was putting up separately at the first floor of the house; that he was having a separate business and separate kitchen; that he was having a separate ration card from Surinder Singh and Satnam Kaur; that he had nothing to do in their married unsettled life; that he had been made a scapegoat by PWs Avtar Singh, Rachhpal Singh and Mukhtiar Kaur as they wanted to grind their axe against him; that it is a false case; that the Magistrate has written the statement as asked by PWs Avtar Singh, Rachhpal Singh, who were present at the time when the Magistrate came; that these three PWs namely Rachhpal Singh, Mukhtiar Kaur and Avtar Singh had murdered his son Surinder Singh for which a case FIR No.134 dated 26.12.1999 Police Station Basti Jodhewal under Section 304 IPC was registered against them and the trial is still pending and that case was registered as per orders of Hon'ble High Court against

these PWs namely Avtar Singh, Rachhpal Singh and Mukhtiar Kaur as the police was not accepting the request of his son who was complainant in that case.

In his defence, accused examined DW-1 Deep Singh, aged 29 years, labourer resident of Gali No.10, New Subhash Nagar, Ludhiana who stated that accused-Harminster Singh @ Chiriwala is known to him and that he (this witness) is doing business by using tractor-trolley. On 09.08.1999 Surinder Singh son of Harminster Singh @ Chiriwala came to him asking him to take his wife to hospital, who was in burnt condition. The name of his wife was Satnam Kaur. Harminster Singh @ Chiriwala was not present in the house when he went there; that Satnam Kaur was lying on a bed she was shifted from there in a trolley; that her whole body was in burnt condition and she was not in a condition to speak. She was taken to CMC Hospital, Ludhiana and got admitted there, thereafter, he came back.

After hearing arguments, learned trial Court convicted and sentenced accused-appellant as mentioned above, which left him aggrieved and he has filed the present appeal.

We have heard learned counsel for the appellant-accused/convict and learned Additional Advocate General, Punjab, besides, going through the record and we find that there is no merit in the appeal.

Certain facts in this case are admitted i.e. Satnam Kaur-

deceased getting married with Surinder Singh about 2 years prior to her death, the couple being issueless, the couple alongwith parents of Surinder Singh i.e. Harminder Singh @ Chiriwala and his wife were residing in H. No.8785, Street No.10, New Subhash Nagar, Ludhiana, Satnam Kaur having suffered burn injuries on 09.08.1999 to which she had succumbed on 10.08.1999 at CMC Hospital, Ludhiana. Firstly, it has to be seen whether it was a case of suicide i.e. Satnam Kaur having set herself on fire or that of homicide. As is clear from the record that it was a case of homicide. Next coming to question as to who had set her on fire, the answer to this question is very clear and unambiguous that it was her father-in-law Harminder Singh @ Chiriwala-accused who had poured kerosene oil upon her and set her ablaze resulting in Satnam Kaur suffering 99% burns, to which she succumbed. The statement made by Satnam Kaur before the Magistrate is very crucial and important. A perusal of that statement goes to show that she had stated in no uncertain terms that on 09.08.1999 at about 10 a.m., she and her husband had a quarrel for the reason that her husband was suffering from skin disease and had not recovered from that disease. Her father-in-law Harminder Singh @ Chiriwala had also intervened defending his son saying that as and when anyone is married, one is not touched and felt by holding pulse of a person concerned, thereafter, her husband went to factory and she had gone to kitchen, where her father-in-law (Harminder Singh @ Chiriwala) had poured kerosene oil upon her

setting her ablaze and on alarm being raised many persons of the Mohalla collected there. She stated that her husband is innocent. This statement bears left thumb impression of Satnam Kaur-deceased, her such thumb impression was attested by Sh. Satpal, Judicial Magistrate Ist Class, Ludhiana acting as Duty Magistrate. Sh. Satpal appearing as PW-5 has categorically stated that on reaching the hospital he had obtained opinion of doctor to the effect that Satnam Kaur was fit to make statement and he had then recorded statement of Satnam Kaur as per her dictation and had then read over the same to her; Satnam Kaur after admitting the contents thereof had put her left thumb impression thereon. He had proved the statement as Ex.PF. This witness categorically stated that Satnam Kaur was conscious and fit to make statement and she herself stated facts before him and nobody except the doctor was present there when he recorded statement. Sh.Satpal, being a Judicial Officer of the rank of Judicial Magistrate and a disinterested person, his deposition is to be given due weightage which goes to show that statement was made by Satnam Kaur without any threat or pressure and coercion and it was not result of any tutoring or prompting. As it comes out the statement was made by Satnam Kaur voluntarily while she was in fit state of mind, it does not come out to be result of imagination. The necessary details of the incident, are given and name of the culprit is clearly mentioned therein. Satnam Kaur had no motive to involve the accused in this case falsely, when she had given a clean

chit to her husband. If she was to indulge in false implication then she could very well have involved her husband, mother-in-law and other members of her in-laws family. But she did not opt to do so. Due solemnity and sanctity is to be attached to her words. Since the dying declaration has been recorded by competent Magistrate, it has to be attached proper value and importance. PW-1 Avtar Singh corroborated the prosecution story stating that on 09.08.1999 he had received telephonic message from his brother-in-law Surinder Singh that his father Harminder Singh @ Chiriwala had set Satnam Kaur on fire after sprinkling kerosene oil upon her and on 10.08.1999 at about 8 / 8.30 am while he was there in CMC Satnam Kaur on regaining consciousness had told him that her father-in-law Harminder Singh @ Chiriwala had sprinkled kerosene oil upon her.

PW-15 Rachhpal Singh, another brother of the deceased also deposed on those lines. That also lends corroboration to the prosecution version. PW-1 Avtar Singh had stated that his sister (Satnam Kaur), her husband (Surinder Singh) and his parents including accused (Harminder Singh @ Chiriwala) were putting up together. Though during his defence evidence accused had tried to show that he was residing separately having a separate ration card but those contentions get nullified from testimony of PW-1 Avtar Singh and the narration in statement of Satnam Kaur, which is to be treated as her dying declaration. If we see cross-examination of PW-1 Avtar Singh he

had stated that the house in which the family of accused was putting up was double storeyed, his sister and her husband used to reside on ground floor and Harminder Singh @ Chiriwala-accused was putting up on the ground floor. As such, accused cannot take the plea that his presence at the spot at the relevant time was improbable. During the course of investigation, the Investigating Officer had found a Can containing kerosene oil, a match box from the spot which also lend support to the prosecution version. The medical evidence in this case duly corroborates prosecution version in terms of the dying declaration. The Investigation in this case has been carried out in a fair and impartial manner. The Investigating Officer had no reason to involve the accused in this case wrongly and to depose against him to secure his conviction. The very fact that accused had poured kerosene oil upon his daughter-in-law setting her on fire resulting in her getting 99% burn injuries goes to show that it was cruel and gruesome act on his part in causing unnatural death of his innocent newly married daughter-in-law without any provocation coming from her side. Even if some hot words had been exchanged between the couple over skin disease of the husband of the deceased, that should not have provoked accused in going to the extent of committing murder of his daughter-in-law. Facts and circumstances of the case clearly go to show that his intention was to cause the murder of Satnam Kaur.

The statement made by Satnam Kaur before the Magistrate

is natural and inspires confidence. The same is admissible under Section 32 of the Indian Evidence Act, 1972, which provides that statements, written or verbal, of relevant facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay or expense which, under the circumstances of the case, appears to the Court unreasonable, are themselves relevant facts in several eventualities, one of which being that when the statement is made by a person as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of that person's death comes into question. It is further provided that such statements are relevant whether the person who made them was or was not, at the time when those were made, under expectation of death, and whatever may be the nature of the proceeding in which the cause of his death comes into question. Due sanctity is attached to such type of statement which is relied upon even when the maker of the statement had not been subjected to the test of cross examination. The reason for the same is that a person who is under expectation of death and about to leave this mortal world, would not normally tell a lie and as it is said truth rests upon the lips of a dying person. We find that such statement which is being treated as dying declaration of Satnam Kaur, is genuine, true and not tainted with any doubts. There is nothing to show that Satnam Kaur had been tutored to make such statement.

There is an important authority on the subject reported as ***Vikas and others vs. State of Maharashtra 2008 (1) R.C.R. (Criminal) 805***. That case related to bride burning, where the accused was convicted solely on the basis of dying declaration, even though father of the deceased had turned hostile. The maxim that “man will not meet his Maker with a lie in his mouth” was relied upon. It was observed that a competent Magistrate has no axe to grind against the person named in the dying declaration of the victim and the father was not a reliable witness, since at the time of investigation, his case was that the accused was responsible for causing death of her daughter, but subsequently he took totally opposite stand and supported the defence. In that very authority the law regarding admissibility of dying declaration in evidence in terms of Section 32 of the Evidence Act was summed up holding that :-

“(i) There is neither rule of law nor of prudence that dying declaration cannot be acted upon without corroboration.

(ii) If the Court is satisfied that the dying declaration is true and voluntary it can base conviction on it, without corroboration.

(iii) This Court has to scrutinise the dying declaration carefully and must ensure that the declaration is not the result of tutoring, prompting or imagination. The deceased

had opportunity to observe and identify the assailants and was in a fit state to make the declaration.

(iv) Where dying declaration is suspicious it should not be acted upon without corroborative evidence.

(v) Where the deceased was unconscious and could never make any dying declaration the evidence with regard to it is to be rejected.

(vi) A dying declaration which suffers from infirmity cannot form the basis of conviction.

(vii) Merely because a dying declaration does not contain the details as to the occurrence, it is not to be rejected.

(viii) Equally, merely because it is a brief statement, it is not to be discarded. On the contrary, the shortness of the statement itself guarantees truth.

(ix) Normally the court in order to satisfy whether deceased was in a fit mental condition to make the dying declaration look up to the medical opinion. But where the eye witness has said that the deceased was in a fit and conscious state to make this dying declaration, the medical opinion cannot prevail.

(x) Where the prosecution version differs from the version as given in the dying declaration, the said declaration cannot be acted upon.

(xi) Where a dying declaration is recorded by a competent Magistrate, it would stand on a 'much higher footing'.

(xii) A competent Magistrate has no axe to grind against the person named in the dying declaration of the victim. 1992 (3) RCR (CrL.) 552 (SC) and 1958 SCR 552 relied.”

Thus the prosecution had successfully proved its charge against the accused for offence under Section 302 IPC beyond a shadow of reasonable doubt. The trial Court was justified in convicting and sentencing the accused for offence under Section 302 IPC. There is no illegality or infirmity with the impugned judgment of conviction and order of sentence. The said judgment of conviction and order of sentence are upheld, whereas the appeal is found to be without any merit and the same is dismissed accordingly.

Accused-Harinder Singh is stated to be on bail vide order dated 16.11.2006 granted by this Court while suspending his sentence. His bail is cancelled. Chief Judicial Magistrate, Ludhiana is directed to issue arrest warrant to get him arrested so as to make him undergo the remaining sentence.

Necessary directions in that regard be issued to the quarter concerned.

17.05.2017
Gaurav Sorot

(T.P.S.MANN)
JUDGE

(H.S. MADAAN)
JUDGE

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| 1. | Whether reportable? | Yes |
| 2. | Whether reasoned / speaking? | Yes |