

# THE HIGH COURT OF JUDICATURE AT PATNA

## Criminal Appeal (SJ) No.240 of 2015

Arising Out of PS.Case No. -6 Year- 2006 Thana -KUCHAIKOTE District- GOPALGANJ

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Arun Singh @ Arun Kumar Singh Son of Sri Lalan Singh Resident of Village -  
Khairatwa, P.S. - Kuchikote, District - Gopalganj.

.... .... Appellant/s

Versus

The State of Bihar

.... .... Respondent/s

With

## Criminal Appeal (SJ) No. 273 of 2015

Arising Out of PS.Case No. -6 Year- 2006 Thana -KUCHAIKOTE District- GOPALGANJ

=====

Lalan Singh son of late Kailash Pati Singh Resident of Village- Khairatwa, P.s  
Kuchaikote, District Gopalganj.

.... .... Appellant/s

Versus

The State of Bihar

.... .... Respondent/s

### Appearance:

(In CR. APP (SJ) No.240 of 2015)

For the Appellant/s : Mr. Akhileshwar Prasad Singh, Sr. Adv.

Mr. Ranjeet Kumar Pandey, Adv.

For the State : Mr. Sujit Kumar Singh, APP

For the informant : Mr. Anil Kumar Singh, Adv.

(In CR. APP (SJ) No.273 of 2015)

For the Appellant/s : Mr. Akhileshwar Prasad Singh, Sr. Adv.

Mr. Ranjeet Kumar Pandey, Adv.

For the State : Mr. Sujit Kumar Singh, APP

For the informant : Mr. Anil Kumar Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**

**ORAL JUDGMENT**

**Date: 23-02-2018**

Appellant, Arun Singh @ Arun Kumar Singh (Criminal Appeal (SJ) No.240 of 2015) and appellant Lalan Singh (Criminal Appeal (SJ) No. 273 of 2015) have been found guilty for an offence punishable under Section 448/34 of the IPC and each one has been sentenced to undergo R.I. for six months, under Section 324/34 of IPC and each one has been sentenced to undergo R.I. for two years, under Section 326/34 of the IPC and each one has been sentenced to undergo R.I. for five years as well as to pay fine appertaining to



Rs.3000/- and in default thereof, to undergo S.I. for two months additionally, under Section 307/34 of the IPC and each one has been sentenced to undergo R.I. for seven years as well as to pay fine appertaining to Rs.5000/- in default thereof, to undergo S.I. for two months, appellant Arun Singh @ Arun Kumar Singh has independently been found guilty for an offence punishable under Section 27 of the Arms Act and sentenced to undergo R.I. for three years as well as to pay fine appertaining to Rs.2000/- and in default thereof, to undergo S.I. for two months, additionally with a further direction to run the sentences concurrently vide judgment of conviction dated 06.04.2015 and order dated 13.04.2015 passed by Additional Sessions Judge, Vth, Gopalganj in Sessions Trial No.04 of 2007.

**2.** Pramod singh (PW.4) gave his fardbeyan at Sadar Hospital, Gopalganj on 01.01.2006 at about 06:00 PM where his injured brother Maheshwar Singh @ M.B. Singh was admitted on account of having been inflicted knife blow over his stomach and was unconscious, divulging the fact that on the same day that means to say on 01-01-2006 at about 04:00 PM his brother was sitting at his Darwaja. All on a sudden, accused Lalan Singh armed with knife, Arun singh armed with double barrel gun, Abhimanyu Singh armed with *lathi* sharing common intention, came at his *Darwaja* and, with an intention to kill Maheshwar Singh, inflicted knife blow over his stomach on account thereof, intestine came through the injury. His brother fell and became unconscious. His father Sheonath Singh @ Shivjee Singh rushed in rescue who was assaulted by Abhimanyu Singh with lathi over his forehead as well as waist. His son Mukul Murari Singh rushed in rescue who was also assaulted by



Abhimanyu Singh over his eyebrow (right side), cheek (right side), cheek (left side), back. Then thereafter, Arun Singh fired aiming at Mukul Murari having miraculous escape. The motive for the occurrence has been shown on account of quarrel having amongst children. Tej Pratap Singh (PW.1), Awadh Singh (PW.2), Ram Ayodhya Singh (not examined) were shown as an eyewitness to occurrence. It has also been incorporated in the aforesaid fardbeyan that as his brother has been referred to Gorakhpur on account thereof, they are shifting the victim/injured to Gorakhpur.

**3.** After registration of Kuchaikot P.S. Case No.06/2006, investigation commenced and after concluding the same, charge sheet was submitted facilitating the trial, meeting with ultimate result, subject matter of instant appeal. It looks pertinent to mention here that although co-accused, Abhimanyu was proceeded conjointly but, during course of trial his case was transferred to the Juvenile Justice Board on account of having been juvenile.

**4.** Defence case as is evident from mode of cross-examination as well as statement recorded under Section 313 of the Cr.P.C. is that of complete denial. It has also been pleaded that there happens to be an admission at the end of the prosecution witnesses that co-villager Ranjeet had instituted a case against the father of PW.1 wherein Sheojee father of informant along with others were arrayed as an accused who, at an initial stage have gone to jail and further, appellant/accused Lalan happens to be witness in that case. On account thereof, it has also been pleaded that alleged injured Maheshwar Singh (PW.3) who had gone to Gorakhpur to have operation of appendix, got an opportunity and alleging falsely that he was inflicted knife blow as well as other family members were also



assaulted, got this case filed. Furthermore, though ocular evidence has not been examined but Ext.A, B, C relating to Yadopur P.S. Case No. 108/2001, order of cognizance relating thereto as well as deposition of Lalan Singh as PW.2 respectively have been made an exhibit.

**5.** In order to substantiate its case prosecution had examined altogether seven PWs those are PW.1-Tej Pratap Singh, PW.2-Awadh Singh, PW.3-Maheshwar Singh, PW.4-Pramod singh, PW.5-Sidheshwari Singh, PW.6-Dr. Awadhesh Kumar Kashyap and PW.7-Hafijur Rahman.

**6.** Prosecution also exhibited, Ext.1-Signature of informant over fardbeyan, 1/A-Fardbeyan, Ext.2 Series-Injury report of Mukul Murari Singh, Shivnath Singh and Maheshwari Singh respectively, Ext.3-Protest petition. As disclosed hereinabove, no ocular evidence has been adduced on behalf of defence but, Ext.A-Order sheet, Ext.B-Charge sheet and Ext.C-Deposition of PW.2, Lalan Singh relating to Yadopur P.S. Case No.108/2001 have been made an exhibit.

**7.** While challenging the judgment of conviction and sentence, it has been submitted on behalf of learned counsel for the appellant that learned lower court had passed the judgment impugned in mechanical manner without scrutinizing the evidence of the witnesses who have been examined as well as without considering, weighing the circumstances visualizing on account of non-examination of the material independent witnesses. In order to substantiate the same, it has been argued at the end of the learned counsel for the appellant that one of the FIR named witness, namely,



Ram Ayodhaya Singh has not been examined. In likewise manner, it has also been submitted that so alleged injured Mukul as well as Sheonath @ Shivjee have also not been examined. Prosecution had not explained why they were not examined and that being so, at least the non-examination of the injured witnesses will cause dent upon the prosecution case and that being so, the whole prosecution case is fit to be brushed aside. It has also been submitted that so far status of Murari Singh so alleged injured is concerned, he does not happen to be charge sheet witness and that being so, his testimony is fit to be disbelieved in the background of the legal infirmity persisting relating to him.

**8.** Then it has been submitted that because of the fact that no occurrence had taken place as alleged by the prosecution and that happens to be reason behind presence of inconsistency amongst the witnesses relating to proper identification of the place of occurrence which, if taken together with the objective finding of the PW.5, the Investigating Officer, it is evident that prosecution had completely failed to substantiate the real place of occurrence.

**9.** Furthermore, it has also been submitted that when evidence of all the witnesses is taken together, then there happens to be inconsistency with regard to manner of occurrence and so, the cumulative effect did not justify the finding recorded by the learned lower court coupled with the fact that there happens to be absence at the end of PW.5 with regard to presence of any supportive evidence relating to place of occurrence.

**10.** It has further been submitted that initially case was registered under Section 324 IPC along with other allied sections,



after investigation, charge sheet was submitted under Section 308 of the IPC including other allied sections whereunder cognizance was also taken but, during course of trial charge has been framed against the appellants for an offence punishable under Section 307 of the IPC. In the facts and circumstances of the case, no offence under Section 307 IPC is made out as (a) there happens to be no repetition of blow in spite of absence of any intervening circumstance (b) the injury report allegedly issued by the Gorakhpur Medical College happens to be photocopy and the opinion of the doctor, PW.6 is based thereupon, is inadmissible in the eye of law, (c) inconsistency amongst the evidence of the PWs regarding manner as well as place of occurrence. That being so, utmost, even if the court comes to a conclusion that prosecution has succeeded in substantiating its case beyond all reasonable doubt, it could be under Section 324 of the IPC, that too relating to appellant Lalan Singh solely and for that Lalan Singh remained under custody for approximately nineteen months (07.02.2006 to 19.01.2007 first leg, 06.04.2015 to 03.12.2015 second leg). So, considering the nature of the allegation the age of the appellant which the learned lower court himself disclosed to be aged about sixty years should be allowed to saturate the aforesaid period of custody against the sentence.

**11.** On the other hand, it has been submitted by the learned Additional Public Prosecutor that enmity is a double edged sword. It may be a cause for false implication of an accused simultaneously, it also happens to be cause for commission of an occurrence. So far instant case is concerned, it is apparent that the same happens to be motive in the background of evidence having at the end of PW.4, informant who, during course of cross-examination



had stated that after inflicting injury, Lalan singh rushed to the place of Ranjeet. Furthermore, it has also been submitted that whatever been deposed by the witnesses that has not been properly tested by the defence and so, whatever been argued at the present moment would not be entertainable because of the fact that witnesses have got no opportunity to explain for want of non-cross-examination. It has also been submitted that while informant was being examined, during course of cross-examination, he was not at all tested whether his father was alive or not capable to depose or not and in likewise manner, with regard to status of Mukul whether he was available for his examination or was pursuing his study outside or was employed somewhere else whose presence could not be procured without undue delay. Be that as it may, PW.3, Maheshwari Singh had substantiated his injury corroborated by the evidence of the doctor PW.6 who properly identified Lalan Singh to his assailant. He was rightly not shown as a charge sheet witness as the same is evident from his testimony as well as testimony of the doctor, going on with treatment at Gorakhpur for such long tenure. So it has been submitted that the finding having been recorded by the learned lower court happens to be just legal and proper whereupon, did not required interference.

**12.** Before adjudicating upon the rival submissions as well as materials available on the record, in **Chandrasekar & Anr. vs. State of Tamil Nadu** reported **in 2017 (4) PLJR (SC) 220**, it has been held by the Hon'ble Apex Court:

“10. Criminal jurisprudence attaches great weightage to the evidence of a person injured in the same occurrence as it presumes that he was speaking the truth unless shown otherwise. Though the law is well settled and precedents abound, reference may usefully be made to **Brahm**



**Swaroop vs. State of U.P.**, (2011) 6 SCC 288 observing as follows:

“28. Where a witness to the occurrence has himself been injured in the incident, the testimony of such a witness is generally considered to be very reliable, as he is a witness that comes with an in-built guarantee of his presence at the scene of the crime and is unlikely to spare his actual assailant(s) in order to falsely implicate someone.”

From the aforesaid principle, it is evident that evidence of an injured witness has got primacy and unless and until there happens to be cogent ground to discard his testimony on account of infirmity persisting in his deposition. The evidence of PW.3, injured is to be seen under the garb of aforesaid settled principle.

**13.** Evidence Act provides the mode of examination of a witness and for that there happens to be examination-in-chief, cross-examination, re-examination, if any. That means to say examination-in-chief of a witness is the testimony which the party intends to deliver through that witness and cross-examination is the theme which is being adopted by the adversary in order to test the veracity of the evidence of the witness whatever been deposed during course of examination-in-chief as well as, to suggest that on one pretext or other the witness being hostile has come up to depose against him. Whenever, the adversary during course of cross-examination failed to test the witness on a particular point then in that circumstance, what will be the effect of aforesaid omission, that has been explained by the Apex Court **Gian Chand & others v. State of Haryana** reported in **2013(4) PLJR 7 (SC)** it has been held:

“11. The effect of not cross-examining a witness on a particular fact/circumstance has been dealt with and explained by this Court in **Laxmibai (Dead) Thr. L.Rs. & Anr. v.**



***Bhagwanthuva (Dead) Thr. L.Rs. & Ors., AIR 2013 SC 1204*** observing as under:

*“31. Furthermore, there cannot be any dispute with respect to the settled legal proposition, that if a party wishes to raise any doubt as regards the correctness of the statement of a witness, the said witness must be given an opportunity to explain his statement by drawing his attention to that part of it, which has been objected to by the other party, as being untrue. Without this, it is not possible to impeach his credibility. Such a law has been advanced in view of the statutory provisions enshrined in Section 138 of the Evidence Act, 1872, which enable the opposite party to cross-examine a witness as regards information tendered in evidence by him during his initial examination in chief, and the scope of this provision stands enlarged by Section 146 of the Evidence Act, which permits a witness to be questioned, inter-alia, in order to test his veracity. Thereafter, the unchallenged part of his evidence is to be relied upon, for the reason that it is impossible for the witness to explain or elaborate upon any doubts as regards the same, in the absence of questions put to him with respect to the circumstances which indicate that the version of events provided by him, is not fit to be believed, and the witness himself, is unworthy of credit. Thus, if a party intends to impeach a witness, he must provide adequate opportunity to the witness in the witness box, to give a full and proper explanation. The same is essential to ensure fair play and fairness in dealing with witnesses.”*

*(Emphasis supplied)”*

Now the evidence of the witnesses inconsonance with the submission having raised on behalf of appellant is to be seen in the background of aforesaid legal principle. Before that the evidence of doctor PW.6 is to be taken into consideration. He, while posted at Sadar Hospital, Gopalganj had examined the respective injured.

- (a) On 01.01.2006 at 05:45 PM, he examined Mukul Murari Singh, and found the following:-
  - (i) Bruise 5” x 1” lies on back with swelling.
  - (ii) Bruise 2” ½” lies on face below left eyelid.



Nature of injury simple in nature caused by hard and blunt substance.

Age of injury- within eight hours.

- (b) On 01.01.2006 at 08:10 PM he examined Shivrath Singh @ Shivjee Singh and found the following:-

- (i) Abrasion  $\frac{1}{2}$ " x  $\frac{1}{4}$ " present on forehead.
- (ii) Complain of back pain.

Nature of injury simple caused by hard and blunt substance, age of injury within eight hours.

- (c) On 01.01.2006 at 05:20 PM he examined Maheshwar Singh and found the following:-

- (i) Incised wound 2" x 1  $\frac{1}{2}$ " abdominal cavity deep. Injured patient was referred to Medical College, Gorakhpur for better treatment.
- (ii) Nature of injury – opinion reserved till report from BRD, Medical College Hospital, Gorakhpur. Weapon used by sharp cutting weapon. Age of injury within eight hours. This injury caused may be knife.

**14.** While giving opinion with regard to injuries having sustained by the PW.3, the doctor had an occasion to see photocopy of the report issued by the BRD, Medical College Hospital, Gorakhpur, attested by Assistant Surgeon and on the basis thereof opined the nature of the injuries to be grievous which was kept reserved at an earlier version. The doctor had identified the injured who was present in court and further, also properly endorsed the scar mark. During cross-examination this witness had admitted that original report was not before him issued by the Medical College, Gorakhpur. He had denied the suggestion that this kind of injury could be on a fall over pointed glass.

**15.** PW.3 is the injured who had stated that on the alleged



date and time of occurrence he was sitting at his Darwaja along with 3-4 persons. He had small shop. At that very time, Lalan armed with knife, Arun Singh armed with gun, Abhimanyu armed with *lathi* cause and began to abuse him as well as his father and Mukul Murari whereupon, he protested. He had further said that elders should not indulge in a quarrel having amongst the children whereupon, Lalan Singh said that just now he is being given a lesson and no sooner than, he had inflicted knife blow over his stomach as a result of which he fell down. Shivrath, Pramod Singh, Mukul Murari, Tej Pratap, Awadh, Ram Ayodhya, Ram Naresh came in rescue whereupon, Arun Singh began to fire but, fortunately, none became injured. He became unconscious. He had also stated that Abhimanyu had assaulted him with lathi. He had further stated that he remained unconscious for 3-4 days. When he regained sense, he found himself admitted at Medical College, Gorakhpur. He had identified the accused. During course of cross-examination, at para-3, he had stated that he was operated at Gorakhpur. He had further admitted that his co-villager, Ranjeet Singh had instituted a case against him and others wherein Lalan happens to be witness. That case was instituted prior to the instant case. In para-5, he had stated that soon after receiving knife blow, he does not become unconscious. At that very moment Arun and Abhimanyu were present there. Lalan Singh came having knife in his hand since before. He had not tried to flee after seeing knife, gun, lathi. He had not sustained injury by any other weapon save and except knife. He is unable to say how much time accused persons remained at that very place after giving knife blow. At para-7, he had stated that at the time of occurrence he was wearing T-shirt. The knife had pierced



the same. T-shirt was soaked with blood. He had not seen whether blood had fallen over the earth or not because of the fact that immediately after the occurrence, he was lifted to hospital. Police had seen blood stain T-shirt but had not seized the same. He had himself shown the T-shirt to the police about a month after the occurrence but, no paper was prepared for the same.

**16.** PW.5 is the Investigating Officer. He, in his examination-in-chief, had stated that on 01.01.2006 he was ASI at Kuchaikot Police Station. On that day, he was entrusted with the investigation of Kuchaikot P.S. Case No.06/2006. He proceeded in course of investigation and reached at the place of occurrence which happens to be Pitch road in front of '*Baithka*' of informant lying at village-Khairkha. The aforesaid road goes to village-Balia towards west. Darwaja and Sahan land of Tej Pratap Singh lies sought to the road while in the north of the road, there happens to be Pukka Baithka of the informant. It has further been elaborated that after proceeding ahead towards southern-western direction, the building and Bathan of Arjun Singh lies wherein there happens to be coconut plant. Fifty yards east therefrom is the Gosala and Baithka of Baccha Singh. Then had said that informant had disclosed this place to be the actual place of occurrence. He had not found any kind of incriminating material at the place of occurrence. During course of investigation, he took further statement of the informant, examined other witnesses, received injury report and then, after completing investigation submitted charge sheet under Sections 448, 341, 323, 326, 308, 34 IPC and 27 of the Arms Act. During cross-examination at para-4, he had stated that he had recorded statement of Ram Naresh Singh, Gopali Mahto and Laxman Sharma under para-27,



28, 29 respectively. He had further stated that in their statement there happens to be disclosure that Lalan Singh and other threw Maheshwar on the ground on account thereof, he had sustained hurt over his back. In para-5, he had stated that on 07.01.2006 he had recorded statement of witnesses enumerated under para-5 and 6 of the case diary. He had further stated that statement of injured Mukul Singh was recorded on 24.06.2002. Then there happens to be contradiction relating to deposition of Tej Pratap Singh (PW.1) as well as Awadh Singh (PW.2). Then had denied the suggestion that his investigation happens to be unscientific.

**17.** PW.4 is the informant who, had deposed that on the alleged date and time of occurrence he was sitting at his Baithka along with his brother. Soon thereafter Lalan Singh armed with knife as well as double barrel gun, Abhimanyu armed with lathi came and began to abuse whereupon his brother Maheshwar tried to pacify the Lalan Singh. Lalan became enraged and gave knife blow over his stomach as a result of which, his intestine came out. His father rushed whereupon he was assaulted by Abhimanyu with lathi, repeatedly. Mukul Murari Singh also rushed who was assaulted by Abhimanyu singh with lathi. After inflicting knife blow Lalan Singh rushed to Darwaja of Ranjeet Singh. When Mukul rushed to protect during course thereof, Arun Singh fired but, did not strike Mukul as he fell down to save himself. Then thereafter, they took away Maheshwar to hospital wherefrom, he was referred to Gorakhpur on account of his precarious condition. His statement was recorded at the hospital (exhibited), identified the accused. During cross-examination he had stated that at the time when Maheshwar was inflicted with knife, Abhimanyu and Arun were standing. After



sustaining knife blow Maheshwar fell down. After inflicting knife blow Lalan Singh rushed to the Darwaja of Ranjeet who happens to be inimical to him. When Lalan Singh had gone to the Darwaja of Ranjeet, Abhimanyu and Arun remained at his Darwaja and began to assault his father as well as his son. Lalan Singh had not returned. At the time when Abhimanyu was assaulting Maheshwar was conscious. At that very time Abhimanyu was armed with double barrel gun. At that very time Maheshwar was wearing T-shirt and Lungi. As a result of which knife blow there was cut over T-shirt which was shown to the police. However, he had not mentioned the same in his fardbeyan. Then there happens to be some sort of contradiction relating to fardbeyan as well as his further statement under para-8 in para-9. He had stated that Lalan Singh inflicted knife blow while Maheshwar was in standing condition. Then had denied the suggestion that accused persons have been falsely implicated in this case.

**18.** PW.1 and 2 claimed themselves to be independent witnesses but during course of cross-examination, they had admitted presence of animosity as, Lalan Singh stood as a witness in a case instituted against them by Ranjeet along with father of the informant. During course of examination-in-chief they had substantiated the case of the prosecution while, PW.1 under para-6 of his cross-examination stated that Maheshwar had sustained only one blow. He had further stated that he is not remembering whether Arun Singh was armed with gun before inflicting of knife blow. At the time of firing he perceived presence of gun in the hand of Arun. In para-7 there happens to be contradiction.

**19.** PW.2 para-4 had admitted presence of case wherein



his father was an accused along with PW.1 as well as father of the informant wherein Lalan Singh happens to be witness. In para-5, he had stated that after inflicting knife blow over Maheshwar firing was made. After inflicting knife blow, Lalan escaped therefrom. At the time of firing he was not present. When Shivajee and Maheshwari were assaulted at that very time Lalan Singh was present. At that very time, Maheshwar and Murari were adjacent to each other. In para-7 there happens to be contradiction to some extent.

**20.** PW.7 happens to be formal in nature.

**21.** After analyzing the evidence available on the record, it is evident that so far as activity of Lalan Singh is concerned that has been properly conceived. All the witnesses are consistent with regard to infliction of knife blow, over the stomach of Maheshwar PW.3 and is found duly corroborated by PW.6, the doctor. Even discarding the nature of the injury having opined by him on the basis of the photocopy of the document as, the same has not been exhibited in accordance with law, even then, presence of sharp cut injury is found duly substantiated. So far activity of Arun Singh is concerned, his presence is found shaky more particularly the part having assigned although, on that very score PW.4, the informant has not been cross-examined. Even having lapses on the part of the appellant, to that extent the benefit would go in favour of Arun and on account thereof, criminal appeal having been filed on behalf of the appellant Arun Singh @ Arun Kumar Singh (Criminal Appeal (SJ) No.240 of 2015) is allowed after setting aside the judgment of conviction and sentence recorded against him. He is on bail, hence discharged from its liability.



**22.** Now coming to the status of the appellant Lalan Singh (Criminal Appeal (SJ) No. 273 of 2015), as perceived above he is the author of the injury though, single blow has been given at his end and which the doctor PW.6 corroborates. Furthermore, it is evident that although, the parties are hostile to each other in the background of having status of Lalan Singh as one of the witness in a case having instituted by the Ranjeet. Though father and son of informant has not turned up, even then defence could not be able to demolish the injuries having over the person of the PW.3, Maheshwar. Though, by misreading the evidence of the Investigating Officer, learned counsel for the appellant has tried to impress upon the court that P.O. is found changed but, the same is found intact in the background of the fact that road happens to be adjacent to the Darwaja of the PW.3, PW.4 and none has been cross-examined on that very score. Investigating Officer also not been challenged over his objective finding. However, considering the evidence that there was no intervening circumstance having gun in their hand, it was never aimed at Maheshwar, degenerate the allegation at least composing an intention or knowledge to commit murder of Maheshwar. In likewise manner, others also found escaped. In the aforesaid facts and circumstances of the case, the conviction having recorded against him for an offence punishable under Section 307 of the IPC did not find justified. In likewise manner the offence punishable under Section 326/34 of the IPC as, the finding recorded by the learned lower court is based upon on opinion recorded by PW.6 which happens to be inadmissible in the eye of law. That being so, the conviction and sentence recorded by the learned lower court on that very score is set aside. In the aforesaid facts and



circumstances of the case, the conviction having recorded by the learned lower court relating to Section 448/34 of the IPC and 324/34 of the IPC is hereby maintained. So far sentence is concerned, the same is found also appropriate and so, needs no interference. Accordingly, Criminal Appeal (SJ) No. 273 of 2015 filed on behalf of Lalan Singh is partly allowed. Appellant is on bail, hence his bail bond is hereby cancelled with a direction to surrender before the learned lower court within fortnight to serve out the remaining part of sentence, failing which the learned lower court will be entitled to proceed against the appellant in accordance with law.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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