

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.148 of 1995

Arise out of judgment dated 24th May 1995 passed by learned Additional District and Sessions Judge, 2nd Court, Buxar in Session Trial No. 135/1993 arising out of Brahampur P.S. Case No. 109/1992 (G.R. No. 1201/1992)

1. Raja Ram Mishra, son of Kapilmuni Mishra
2. Brahmdeo Mishra, son of Raja Ram Mishra

Both are resident of village – Kaithi, P.S. – Barahmpur, District – Buxar.
.... Appellants

Versus

The State of Bihar

.... Respondent

With

Criminal Appeal (DB) No. 160 of 1995

Arise out of judgment dated 24th May 1995 passed by learned Additional District and Sessions Judge, 2nd Court, Buxar in Session Trial No. 135/1993 arising out of Brahampur P.S. Case No. 109/1992 (G.R. No. 1201/1992)

1. Rishi Deo Mishra
2. Vishundeo Mishra

Both are sons of Rajaram Mishra, resident of village – Kaithi, P.S. – Brahmpur, District – Buxar.

.... Appellants

Versus

The State of Bihar

.... Respondent

With

Criminal Appeal (DB) No. 437 of 2007

Arising out of judgment dated 24.02.2007 passed by learned Additional District & Sessions Judge, F.T.C. – Vth, Buxar in Session Trial No. 116/1994.

Kamdeo Mishra, son of Late Yadunath Mishra, resident of village and post – Ksithi, P.S. – Bagengola (Brahampur), District – Buxar.

.... Appellant

Versus

The State of Bihar

.... Respondents

Appearance :

For the Appellants : Mr. Kanhaiya Pd. Singh, Sr. Advocate
Mr. Shankar Dayal Singh, Advocate
Mr. Pratik Mishra, Advocate
Mr. Deepak Pd. Singh, Advocate



For the State : Ms. S.B. Uerma, A.P.P.

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

C.A.V. JUDGMENT

(Per: MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 29-03-2018

Heard learned senior counsel for the appellants
and learned counsel representing the State.

2. The criminal appeals No. 148/1995 and 160/1995 arise out of judgment dated 24th May 1995 passed by learned Additional District and Sessions Judge, 2nd Court, Buxar in Session Trial No. 135/1993 arising out of Brahampur P.S. Case No. 109/1992 (G.R. No. 1201/1992) under Section 302/34 I.P.C. read with Section 34 of the Arms Act. Cr. App. (DB) No. 437/2007 has been preferred challenging the judgment dated 24.02.2007 passed by learned Additional District & Sessions Judge, F.T.C. – Vth, Buxar in Session Trial No. 116/1994 arising out of the same case.

3. By the impugned judgments the appellants namely, Rajaram Mishra and Brahamdeo Mishra in Cr. App. (DB) No. 148/1995, and Rishideo Mishra and Vishnudeo Mishra in Cr. App. (DB) No. 160/1995 have been convicted in



Session Trial No. 135/93 whereas Kamdeo Mishra in Cr. App. (DB) No. 437/2007 has been convicted in Session Trial No. 116/1994 under Section 302/34 of the I.P.C. and Section 27 of the Arms Act for having intentionally committed the murder of deceased Narendra Pathak.

4. By the impugned judgment passed in Session Trial No. 135/1993, the learned Trial Court has convicted accused Rajaram Mishra, Rishideo Mishra and Vishnudeo Mishra for the offences under Section 302 I.P.C. for having intentionally committed the murder of deceased Narendra Pathak. Accused Brahamdeo Mishra (appellant no. 2) in Cr.App.(DB) No. 148/1995 has been convicted under Section 302 302/34 I.P.C. All the four accused in Session Trial No. 195/1993 have also been convicted under Section 27 of the Arms Act. The learned Trial Court has awarded them sentence to undergo imprisonment for life under Section 302 I.P.C. and also under Section 302/34 I.P.C. Further they have been sentenced to undergo rigorous imprisonment for three years each and to pay a fine of Rs. 2000 each and in default of payment of fine to further undergo simple imprisonment for six months each under Section 27 of the Arms Act. All the



sentences have been ordered to be run concurrently.

5. In Cr. App. (DB) No.437/2007, the learned trial court in session trial no. 116/1994 vide its judgment dated 24th February 2007 convicted accused Kamdeo Mishra under Section 302/34 I.P.C. read with Section 27 of the Arms Act and he has also been sentenced to undergo rigorous imprisonment three years under Section 27 of the Arms Act and a fine of Rs. 2000/-. In case of non payment of fine the appellant Kamdeo Mishra has been ordered to undergo simple imprisonment of six months. Both the sentences are ordered to run concurrently. It is worth mention here that the record of the trial was split up in case of appellant Kamdeo Mishra because he did not appear before the court in course of trial and had been declared absconder but was later on apprehended by police on 05.07.2004 and then he faced the trial.

6. There are two paper books in the present connected appeals. Cr.App.(DB) No. 148/1995 and Cr.App.(DB) No.160/1995 have been preferred by the convicts of session trial no. 135/1993 in which there are altogether ten prosecution witnesses whereas in Cr.App.(DB) No.437/2007 which arises out of session trial no. 116/1994, there are only



five prosecution witnesses. We will therefore while dealing with Cr. App. (DB) No. 437/2007 will take note of the evidences which have come in the said case without referring to the evidences which have come in course of trial in Cr.App.(DB) No. 148/1995 and Cr.App.(DB) No. 160/1995.

7. The prosecution case as appearing from the records of the trial court is based on the fardbeyan of Narmadeshwar Pathak (P.W.1). In his fardbeyan (Exhibit 1) P.W.1 has made a statement on 04.09.1992 at about 12.15 P.M. in presence of the investigating officer that at about 11.00 A.M. he came from his home and was going to his house situated in Raghunathpur, on the way as he reached near the wood timber shop of Harendra Mishra and came towards the eastern end he saw his brother Narendra Pathak sitting in the premises of the shop of Harendra Mishra together with Uba Pandey son of Sri Kamteshwar Pandey. At the same time his co-villagers also Rajaram Mishra lashed with gun in his hand, Rishideo Mishra, son of Rajaram Mishra lashed with pistol, Vishnudeo Misrha, son of Rajaram Mishra lashed with pistol, Brahamdeo Mishra @ Bhola, son of Rajaram Mishra lashed with pistol and Kamdeo Mishra son of Jadunath Mishra



holding pistol pointed their pistol on his brother Rajaram Mishra is said to have stated '*gher lo chhorna nahi hai*', thereafter, Rishideo Mishra, Vishnudeo Mishra and Kamdeo Mishra fired from their pistols on the brother of the informant. Brahamdeo Mishra was standing at the eastern-northern corner. Later on Rajaram Mishra fired from his gun. Brother of the informant fell down after he was shot and all the accused persons fled away towards to western side from the north-western street. The informant claimed that when he came nearer, he found that the intestine of his brother Narendra Pathak had come out of the stomach and he had died. He further stated that on hearing the sound of firing Ramdeo Pathak, son of late Baliram Pathak, resident of village Kaithi also came and had seen the occurrence. He further stated that the co-villager Anirudh Pathak, son of Sheopujan Pathak had also seen the occurrence.

8. The motive of occurrence as stated in fardbeyan is that few days back Kamdeo Mishra was arrested by police and at that time his brother was also accompanying the police, for this he used to allege that Narendra Pathak was instrumental in his arrest.



9. After investigation police submitted a charge-sheet against all the four accused persons and on trial in Session Trial No. 135/93 as also against Kamdeo Mishra. Cognizance was taken by learned Chief Judicial Magistrate and the case records were committed to the court of session. Accused Kamdeo Mishra was never apprehended by police. All the accused in Session Trial No. 135/93 were charged for committing the murder of Narendra Mishra under Section 302/34 of the Indian Penal Code as also under Section 27 of the Arms Act. All the four accused pleaded not guilty and claimed to be tried.

10. In course of evidence prosecution examined altogether nine witnesses in Session Trial No. 135/93. P.W.1 is Narmadeshwar Pathak who is the informant of the case and own brother of the deceased Narendra Mishra. In his examination in chief, he supported his statement contained in fardbeyan (Exhibit-1). He has stated that while he reached at the eastern end of the wood stall, he saw that in the hut of the wood stall his brother Narendra Pandey was sitting, at this moment from the northern side accused Rajaram Mishra lashed with gun and accused Rishideo Mishra, Vishnudeo



Mishra, Kamdeo Mishra and Brahamdeo Mishra @ Bholu all lashed with pistol surrounded the deceased. Rajaram ordered for surrounding the victim and not to spare him. Accused Vishnudeo, Kamdeo, Rishideo and Rajaram fired on his brother. Accused Brahamdeo was guarding on the northern and eastern end pointing out his revolver. In his further deposition he has stated that Narendra fell down and died, on hearing the sound Ramdeo, Anirudh came. The accused fled away. He has proved his fardbeyan recorded by the A.S.I. as Exhibit – 1.

11. From the pattern of the cross examination of P.W.1, it appears that the defence has cross examined him as to the place of occurrence and the situations surrounding the place of occurrence. In paragraph 8 of his cross examination P.W.1 has narrated that the wood stall is situated adjacent east to the market. In the northern boundary there is house of Ramroop, in the eastern boundary there is house of Narmadeshwar and Kapildeo Mishra, in the eastern side there is house of Mohammad and in the western side there is the boundary wall of market committee (Bazar Samiti). He has stated that the way to reach the wood stall is from the market



side. In his cross examination he has further stated that one of the prosecution witnesses namely, Anirudh is his first cousin. Baliram and another prosecution witnesses also happened to be his first cousin. In paragraph 13 of his cross examination he has been again cross examined on the situations surrounding the place of occurrence, the defence has tried to suggest the witness that the place of occurrence where the deceased was assaulted and shot dead was not visible and this witness being own brother of the deceased having inimical term with the accused persons, his deposition has been sought to be rejected on behalf of the defence.

12. P.W.2 and P.W.3 namely, Rajiv Ratan and Shyam Sundar Singh respectively have deposed to prove the post mortem report. They were posted as medical officers at the relevant time and had occasioned to prepare the post mortem report. P.W.2 had prepared the post mortem report which was signed by P.W.3 Post mortem report has been marked as Exhibit – 2 in course of deposition of P.W.2.

13. P.W.4 namely, Anirudh Pathak who is the first cousin of the informant and is said to have claimed himself an eye witness before the Investigating Officer did not



support his statement made before the Investigating Officer, that he was an eye witness.

14. P.W.5 who happened to be another Gotia of P.W.1 and had claimed himself to be an eye witness before the Investigating Officer also failed to support his statement in course of evidence, therefore, both P.W.4 and P.W.5 declared hostile. P.W.4 and P.W.5 have stated that the Investigating Officer had prepared the seizure list and the inquest report in their presence and they had put their signature on the seizure list. The signature of P.W.3 and P.W.4 have been marked as Exhibit – 3 and 3/1 respectively. In paragraph 5, P.W.4 has stated before the trial court that he had not told the Investigating Officer that he had seen the occurrence and that Narendra Pathak and Uba Pandey were chatting at the wood stall.

15. P.W.6 is Shankar Dayal Pandey, the Sub-Inspector of Police, who had recorded the fardbeyan of P.W.1 on 14.09.1992 at 12.15 P.M. (Exhibit – 1). He had prepared the inquest report (Exhibit-5) and had narrated the place of occurrence being the wood stall of Harendra and when he reached there, there was blood and piece of hUban flesh



scattered in an area of two diameter and one empty cartridge and two pillets were found at the place of occurrence. According to P.W.6, THE P.W.4 and P.W.5 had made statement before him as eye witness to the murder of Narendra Pathak and have named all the accused persons.

16. P.W.7 is Uba Pandey @ Dhaneshwar Pandey. He has claimed to be a co-sharer of the wood stall and on the date of occurrence he was chatting with Narendra Pathak. According to him, five to seven persons entered from eastern side on the road of the Baxar Samiti and they asked this witness to run away. P.W.7 claimed that he ran away from the place of occurrence, only after he covered some distance, he heard sound of firing from behind, after sometime, he returned at the wood stall where the dead body of Narendra Pathak was lying. In his examination in chief itself, he has stated that he could not identify any of the accused and when the Investigating Officer reached at the place of occurrence after about one hour, he had not disclosed about his identifying the accused. In his cross examination, he has denied the suggestion by the prosecution (after being declared hostile) that he had stated to the Investigating Officer that the



absconding accused Kamdeo Mishra had entered in the wood stall from the eastern - southern street and he had from some distance pointed weapon on him and asked him to run away. He has reiterated that he had not identified any of the accused.

17. P.W.8 and P.W.9 are only formal witnesses.

The case of the defence was that P.W.1 is a chance witness and full brother of the deceased, therefore, his deposition was not trustworthy. The defence challenged the entire story as to manner of occurrence and claimed that the accused persons have been falsely involved because they were agnates of Kamdeo Mishra the co-accused who was not on trial in S.Tr. No. 135/1993 because he was absconding.

18. The learned Trial Court, having considered the materials on the record, rejected the plea of the prosecution and came to a conclusion that the prosecution has been able to prove the guilt against the accused persons beyond all reasonable doubt. The learned Trial Court held that the four accused persons facing S. Tr. No. 135/1993 where the kinsmen of accused Kamdeo Mishra and were perhaps being benefited by him, they two committed the offence in order to



remove of the villagers who dare to help the police to arrest Kamdeo Mishra and they successfully accomplished their intention.

19. It appears that Kamdeo Mishra, the co-accused, who was absconding and whose record was split up from original record vide order dated 26.07.1994 and registered as Session Trial No. 116/94 was apprehended by police on 05.07.2004 and was produced in the court of learned Chief Judicial Magistrate, Buxar. The case of accused Kamdeo Mishra was also committed to the court of learned Sessions along with other accused persons by the then learned Chief Judicial Magistrate, Buxar. The split up record of Kamdeo Mishra was also sent to the learned 2nd Additional District and Session Judge, Buxar where the accused was produced. He was charged for committing the murder of Narendra Mishra by means of fire arm in furtherance of common intention with other accused persons punishable under Section 303/34 of the Indian Penal Code. He was also charged for having and using illegal fire arm punishable under Section 27 of the Arms Act. Accused Kamdeo Mishra pleaded not guilty and claimed to be tried.



20. In course of evidence, in the case of Kamdeo Mishra, prosecution has examined altogether five witnesses. Out of whom, P.W. 5 Ramnath Ojha is a formal witness, who has proved the fardbeyan of Narmadeshwar Pathak in the pen and signature of Shankar Dayal Pathak. Narmadeshwar Pathak who was the informant of the case has been examined as P.W.1. He has supported the prosecution case. He has stated that after the occurrence took place police has recorded his statement of Harendra Mishra. He had deposed in Session Trial No. 135/93 also in which the accused were convicted. In course of his examination, P.W.1 has stated that the timber shop is bounded by road in north and thereafter the house of Ramroop Upadhayay, the house of Sheojee Mishra and Narmadeshwar Singh in south, the house of Shaan Mohammad in east and the wall of Bazaar Samiti in west. The entrance of timber shop is in north – east side. The timber shop is situated about 30 to 35 steps away western side of the main road, there is a lane in between the timber shop and main road, there are building in both sides of lane. The timber shop is surrounded by woods and the wooden boundary is about 5 to 5 x ¼ ft. in height. There is a gate in



northern side. There were wooden logs in western side inside the campus of timber shop. The eastern side of the campus was vacant. The thatch was situated beside the wooden logs. The thatch was also 9 ft. in length and 7 ft. in width. The thatch was surrounded by the wood from three sides. He has stated that he has entered inside the thatch after the occurrence and found his brother was fallen there. He has also stated that he saw the occurrence from about 20 steps away of the thatch, the accused persons were inside the thatch and only the accused Brahamdeo Mishra was outside the thatch. He has stated that accused Brahamdeo Mishra was also saw this witness but he did not attack on this witness.

21. Anirudh Pathak (P.W.2) and Ramdeo Pathak (P.W.3) have not supported the case of the prosecution. P.W. 3 Ramdeo Pathak has stated only to the extent that the occurrence took place on 04.09.1992 at 10.30 A.M. 11.00 A.M. He heard about 2 – 3 fire then reached at the timber shop of Hari Mishra, i.e., place of occurrence then saw the Narendra Pathak was fallen there and his head was broken. Narmadeshwar Pathak was weeping there. He has not seen any other person on the place of occurrence. P.W.3 was also



declared hostile along with P.W.2.

22. Dr. Rajiv Ratan (P.W.4) has been examined on behalf of the prosecution who conducted the post mortem on the dead body of the deceased. He has proved the ante mortem injuries which were noticed on external examination and has also stated in detail the injuries found on the internal examination.

23. In course of cross examination this witness has stated that he cannot say as to from which angle the fire was made. He could not say that how many pellets had entered into the body. He has further stated that after the dissection he recovered four corks and ten pellets from the dead body of deceased. Pieces of bullets were not found.

24. The learned Trial Court relied upon the evidence of P.W.1 and evidence of Doctor (P.W.4) and reached to a conclusion that the prosecution has successfully proved its case beyond the shadow of reasonable doubts. Accused Kamdeo Mishra was therefore also convicted for the offences under Section 302 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

25. Learned counsel representing Kamdeo



Mishra the sole appellant, in Cr. App.(DB) No. 437/2007, assailed the impugned judgment and submitted that in fact it is a case of no evidence. He has further submitted that the conviction of the appellant is based on the sole testimony of informant (P.W.1) who has made contradictory statements in course of his deposition. Learned counsel submits that on perusal of the evidence of P.W.1, it would appear that according to him at the time of occurrence one Uba Pandey was also there with the deceased Narendra Pathak. The Said Uba Pandey has not been examined in this case. He has further stated that from the pattern of cross examination, it would appear that the situation of the place of occurrence as narrated by P.W.1 is such that from both sides of the street houses are situated and the timber stall/wood stall is surrounded by woods. The boundary of the surrounding has been narrated between 5 - 5x1/4 ft. The hut is said to be situated inside the wood stall and from three sides the hut was surrounded by woods, it was said to be opened only for the eastern side. According to learned counsel, if the hut was opened only from eastern side and it was from all other three sides, P.W.1 could not have seen the occurrence, because



according to him, accused Brahamdeo Mishra was standing on the eastern side entry pointing out his pistol, and, therefore, there was no way out for the informant to peep into the hut. According to learned counsel, the trial court has not been able to appreciate the fact that P.W.1 is own brother of the deceased and admittedly was not present inside the hut when the occurrence took place, rather he claims to have reached there by chance and saw the alleged occurrence. His being on inimical terms with the defence is an admitted fact and therefore conviction based on the sole testimony of P.W.1 is not safe. He has taken us through the situation of the place of occurrence with the help of the sketch map which was brought on the record in Session Trial No. 135/1993 as Exhibit – 7.

26. Having heard learned counsel representing the appellants in all the three sets of appeal and learned Additional Public Prosecutor representing the State, we find that all these cases are based on the sole testimony of P.W.1 who is the informant of this case.

27. On going through the deposition of P.W.1 and comparing the same simultaneously with the sketch map



of the place of occurrence (Exhibit – 7), we find that the contention of the defence that it was not possible for P.W.1 to see the occurrence what was happening inside the hut has got some substance. P.W.1 has stated that there is only one entry which goes inside the hut. The hut is said to be situated inside the wood stall and is surrounded from three sides by the woods. It is said to be open only from eastern side and it is the case of P.W.1 that one of the accused Raja Ram Mishra pointing out his pistol was standing at the eastern and northern corner of the entry side. On perusal of the sketch map (Exhibit – 7), we find ourselves unable to agree with the contention of the prosecution that P.W.1 would be an eye witness.

28. The description of the place of occurrence in the sketch map (Exhibit – 7) would show that towards the western side of the wood stall a hut is situated. The hut is said to be east facing. There is a brick wall in the western side to northern side which is said to be the boundary wall of the Bazaar Samiti. P.W.1 has stated in his deposition that the accused persons came from northern side, at this point of time the informant had reached to the eastern end of the wood



stall, he saw the accused persons surrounding the victim and then accused Vishnudeo, Kamdeo and Rishideo as also Rajaram open fired. Accused Brahamdeo was standing at the north – east end pointing out his pistol.

29. On our repeated consideration of the situation of the place of occurrence, we find that the informant who claims himself standing at the eastern end of the wood stall would not have seen the occurrence, because, as per the description of the place of occurrence in Exhibit – 7, the hut was situated in the western side of the wood stall and there was a boundary wall adjacent to the hut from western side to northern side which is the boundary wall of the Bazaar Samiti. Accused Brahamdeo Mishra was standing pointing out his pistol at the north – eastern end as claimed by the informant, if it is so, then, from eastern end where the informant is said to be standing he cannot see what was happening in the hut which was covered by wood stalls from the four sides and unless somebody could have entered inside the wood stall and then inside the hut he could not have seen the occurrence which had allegedly taken place in the hut. Here it would important to quote the statement of P.W.1 in



paragraph-23 in course of his cross examination which reads as under: -

“23. नरेन्द्र को झोपड़ी के अन्दर ही सब गोलियां लगी। झोपड़ी चारो तरफ से घिरे थे पूरब तरफ दरवाजा था। दरवाजा जमीन से सवा पाँच फीट अन्दर था। नरेन्द्र पर गोली 1 ½ की दूरी से चली।”

30. The whole case of the prosecution is based on the evidence of P.W. 1 who is a chance witness and is full brother of the deceased. He was admittedly on inimical term with the defence. We also find from the statement of P.W.1 that in his deposition that when he reached at the eastern end of the wood stall, he saw his brother in the hut inside the wood stall together with Uba Pandey (P.W.7). Uba Pandey has stated in his deposition that 5 – 6 persons had entered in the wood stall and they asked him to run away, therefore, P.W.7, Uba Pandey had left the hut and when he reached at some distance, he heard the sound of firing. If the evidence of P.W.1 is believed then it is difficult to understand that how P.W. 7 on the one hand was asked to run away from the place of occurrence but at the same time P.W. 1 was comfortably placed at a distance of about 20 steps only from the place of



occurrence to see the entire occurrence as stated by him. In his fardbeyan (Exhibit-1) he did not say that he had seen Uba Pandey (P.W.7) chatting with the deceased inside the hut. The presence of P.W.1 also become doubtful because according to him when he reached at the eastern end of the wood stall, the accused persons had entered in the wood stall from the north side and one of the accused Brahamdeo Mishra was guarding at the north – east end pointing out his revolver. If P.W. 1 had seen the accused entering inside the wood stall it means Uba Pandey (P.W.7) was asked to run away in presence of P.W.1 but in his fardbeyan or in further statement to I.O. he did not say that Uba Pandey was present in hut when accused entered and on asking of the accused Uba Pandey (P.W.7) started running away. Uba Pandey (P.W.7) did not say to I.O. that while chatting with the deceased before entry of the accused or while fleeing away on the direction of the accused he had seen P.W.1 present at the eastern end. There is no witness to support the story that P.W. 1 was present at eastern end of the wood stall. It appears to us that the prosecution story, as stated by P.W.1, is not free from doubt and hence the appellants are able to create a reasonable doubt in the



prosecution case as regards the entire manner of occurrence. Since P.W.1 is the only eye witness in this case and even as his own first cousin. P.W.4 and P.W.5, Anirudh Pathak and Ramdeo Pathak have been declared hostile on their denial that they had named the accused persons before the Investigating Officer on his arrival at the place of occurrence, there is no other reliable witness to support the prosecution case.

31. P.W. 7, Uba Pandey who claims himself a co-sharer of the wood stall with the deceased has also not identified any of the accused persons. He has denied the suggestion in course of his cross examination by the prosecution (after being declared hostile) that he had named Kamdeo Mishra (absconding accused) before the Investigating Officer.

32. In view of the discussions hereinabove, we find that the guilt of the accused persons in all the three criminal appeals are not proved beyond all reasonable doubts and their conviction based on the sole testimony of P.W.1 whose presence itself at the place of occurrence and narration as to the manner of occurrence become highly doubtful cannot be allowed to sustain.



33. We, therefore, set aside the impugned judgments dated 24th May, 1995 passed in Session Trial No. 135/1993 as also the judgment dated 24.02.2007 passed in Session Trial No. 116/1994, acquit the appellants and discharge them from their respective bail bonds.

34. All these three appeals are allowed, accordingly.

(Rajeev Ranjan Prasad, J.)

Rajendra Menon, C.J.- I Agree

(Rajendra Menon, C.J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	08.03.2018
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