

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

Crl.A.No.907 OF 2012

Between:

Bontha Suresh S/o Mariya Dasu @ Venkatappaiah

...
appellant/Accused.

and

The State of Andhra Pradesh
through Inspector of Police,
Chilakaluripet, rep. by
Public Prosecutor.

... Respondent

JUDGMENT PRONOUNCED ON: 10th October, 2018.

HON'BLE SRI JUSTICE SURESH KUMAR KAIT :

AND

HON'BLE SRI JUSTICE T. AMARNATH GOUD :

- 1 Whether Reporters of Local newspapers :
may be allowed to see the Judgment?
- 2 Whether the copies of judgment may be :
marked to Law Reports/Journals?
- 3 Whether Their Lordship wish to see the :
fair copy of the Judgment?

*** HON'BLE SRI JUSTICE SURESH KUMAR KAIT**
AND
HON'BLE SRI JUSTICE T. AMARNATH GOUD
+ CRIMINAL APPEAL No.907 OF 2012

% 10-10-2018

Bontha Suresh, S/o Mariya Dasu @ Venkatappaiah

... Appellant/Accused.

vs.

\$ The State of Andhra Pradesh, through
 Inspector of Police, Chilakaluripet, by
 Public Prosecutor.

... Respondent

!Counsel for the Petitioner : Sri V. Suryakiran Kumar

^Counsel for the Respondent : Public Prosecutor (AP)

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>Head Note :

- ? Cases referred :
1. 2004 (1) ALT (Crl.) 513 (D.B.) (A.P.)
 2. AIR 2005 SUPREME COURT 97
 3. 1997(1) ALT (CRL)(A.P)568 (DB)

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE T. AMARNATH GOUD**

CRIMINAL APPEAL No.907 OF 2012

JUDGMENT:

(per Hon'ble Sri Justice Suresh Kumar Kait)

The present appeal is preferred against order and judgment dated 25.07.2012 passed in Sessions Case No.186 of 2011 by the XIII Additional District & Sessions Judge, Narasaraopet, whereby the learned trial Court found the appellant guilty for the offence punishable under Section 302 IPC. Accordingly, convicted for the said offence and sentenced to Life Imprisonment.

2. The case of the prosecution as per the charge sheet is that :

The marriage between the appellant (hereinafter referred to as “accused”) and Bontha Sravanthi & Lakshmi Koteswaramma (hereinafter referred to as “deceased”) was performed three years before the incident and blessed with a male child. From the beginning, the accused used to beat, abuse and harass the deceased on one pretext or other without any reason. On 22.04.2010 on the eve of Lord Jesus Thirunalla, LW.1-Bontha Kanikaramma @ Marthamma, who is mother of accused, brought golden ear studs and gave to the deceased. However, the deceased refused to take them.

Then, LW.1-Marthamma, told her to throw them on the ground. Accordingly, the deceased thrown on the ground, however, on asking of the accused, the ear studs were picked up by the deceased and put them in the shirt pocket of the accused and hanged the shirt to the clothes wire, and also a chain of her sister-in-law named Jyothi was put in the same shirt pocket. On 27.04.2010 at about 6.00 or 7.00 a.m., the accused asked the deceased to bring the ear studs. Then the deceased searched for the same in the shirt pocket of accused, but could not find them, and she informed the same to the accused. Thereupon, the accused poured petrol on the body of the deceased saying that she has to die. Then the deceased ran in the lane and accused chased her and lit fire with match stick, as a result, her body was burnt. She raised cries and fell down in front of the house portion of LW.1. On hearing the cries, LWs.3 to 5 rushed there and covered her with blankets and extinguished the flames. It was witnessed by LWs.7 to 9. Then the deceased was shifted to Area Hospital, Narasaraopet, through Ambulance. On the same day, at 9.00 a.m., on receipt of hospital intimation, LW.23-HC 2421 Sk. Ch. Subhani of Narasaraopet I Town Police Station, went to the hospital, and recorded the statement of deceased, and sent the same to Station House Officer, Nadendla Police Station, on the point of jurisdiction. Having received the same, it was registered as a case in Crime No.66 of 2010 under Section 307 IPC against the accused. Thereafter, the

Sub Inspector of Police, Nadendla Police Station, took up investigation, and examined LWs.1 and 2, and observed the scene of offence in the presence of mediators LWs.13 and 14, and seized material objects under the cover of observation report. Accordingly, he got photographed the scene of offence, prepared rough sketch of scene of offence, and examined LWs.3 to 9. On receipt of medical intimation, LW.19- I Additional Junior Civil Judge, Narasaraopet, went to the hospital and recorded dying declaration of the deceased. The accused was arrested on 07.05.2010 by LW.24-S.I. of Police, in the presence of mediators LWs.15 and 16. Thereafter, recorded the confessional statement of the accused, and then, sent him to the Court for remand. While undergoing treatment, the deceased died on 20.5.2010 at 9.45 a.m., in the hospital. On receipt of death intimation, LW.24-Sk.Abdul Sattar, Sub Inspector of Police, altered the penal section from 307 IPC to Section 302 IPC on 20.5.2010 at 3.00 p.m. Thereafter, LW.25, the then Inspector of Police, Chilakaluripet Rural, took up investigation and verified the investigation of LW.24 and found it on correct lines. On the requisition, LW.20-Mandal Executive Magistrate, Nadendla, held inquest over the dead body of the deceased in the hospital in the presence of LWs.13, 14 and 18. He examined L.Ws.10 to 12. Thereafter, he sent the dead body of the deceased for post-mortem examination. As per the post-mortem report, the deceased died due to septic shock due to

burns. The seized material objects sent to FSL, Hyderabad, and received report. Thereafter, the charge sheet was laid before the concerned Magistrate, who committed the case to the Court of Sessions for the offence punishable under Section 302 IPC and the same was registered as SC No.186 of 2010.

3. On receipt of case record and after appearance of the accused before X Additional District Judge Court (FTC), Narasaraopet, charge under Section 302 IPC was framed against the accused, the same was read over and explained the substance of charge in Telugu language to him for which the accused pleaded not guilty and claimed to be tried.

4. The learned trial Court examined PW.1 to PW.20 and considered Ex.P1 to Ex.P25 and MOs.1 to 5 marked on behalf of the prosecution. After considering the statement of accused under Section 313 Cr.P.C., the learned trial Court held guilty, convicted and sentenced the appellant for the offence punishable under Section 302 IPC. Hence the present appeal.

5. It is pertinent to mention here that PWs.1 to 8, 11 and 12 declared hostile. No one is eyewitness of the incident and case rests on circumstantial evidence.

6. Learned counsel appearing on behalf of the appellant submits that PW.1 is the mother-in-law of the deceased. PW.2 is the junior paternal uncle of the accused. PWs.3 to 7

are known persons and proximate residents of deceased and accused, deposed that deceased died due to burst of stove while cooking. Even, PW.11, who is elder brother of the deceased deposed that the deceased informed him at the hospital that she sustained burn injuries accidentally, when she was cooking food on the stove. PW.12, junior paternal uncle of PW.1 also deposed that there was no dispute between accused and deceased. Learned counsel submits that the trial Court ignored all the above facts and convicted the appellant.

7. Learned counsel for the appellant further submits that there is no wound certificate or accident register indicating the percentage of burns on the dead body of the deceased. Moreover, there is variation in two dying declarations i.e., Ex.P16 and Ex.P19 recorded by PWs.15 and 17 respectively. Main discrepancy is that in dying declaration Ex.P17, she stated that on 27.04.2010 at about 6.00 or 7.00 a.m. accused asked about ear rings, accordingly, she checked and could not find ear rings but only necklace was there. Immediately, the accused said she should die and poured petrol available in the house. Then the deceased ran into lane out side and the accused lit the deceased with match sticks. Whereas in dying declaration, Ex.P19 recorded by PW.17, she stated that on 27.4.2010 at 6.00 a.m., accused asked about ear rings and deceased said that she will give them and then checked however found only necklace.

Accordingly, she told accused about missing of ear rings, but accused insisted for ear rings.

8. Learned counsel appearing on behalf of the appellant further submits that in Ex.P17 recorded by PW.15, the deceased accuses husband about his harassment and then accuses the husband that he has taken ear rings. Thereafter, the appellant scolded her and poured petrol and burnt her. Whereas, in dying declaration-Ex.P19 recorded by PW.17, the deceased stated that accused beat her with hands, legs and broom indiscriminately and demanded whether she was going to give ear rings or going to die. Then he poured petrol available in the house on her body and lit the deceased with match sticks. Then the deceased in a burning condition ran out into lane.

9. Learned counsel for the appellant submits that on the face of it, the above mentioned two dying declarations do not reconcile to each other. In the first dying declaration recorded by PW.15- HC 2421, deceased did not state about the accused beating her indiscriminately before burning her. Whereas, in second dying declaration-Ex.P19 recorded by PW.17-Judicial Magistrate of I Class, she categorically stated that the accused beat her indiscriminately with hands, legs, broom and then poured petrol and lit her with match sticks.

10. In addition to above, learned counsel for the appellant submits that PW.18-Duty Medical Officer

categorically admits that she has not mentioned exact time of issuing fitness certificate in the statements of the deceased recorded by PW.15-HC and PW.17-Judicial Magistrate of I Class respectively.

11. Learned counsel for the appellant further submits that if there are different versions in the dying declarations then the said declarations to be discarded and benefit of doubt to be given to the accused.

12. On the aforesaid issue, the learned counsel for the appellant has relied upon a case reported in **Shaik Mastan Bee v. State of A.P., rep. by its Public Prosecutor**¹ and another case reported in **State of Maharashtra v. Sanjay D. Rajhans**².

13. Learned counsel further submits that if the material witnesses turned hostile then benefit of doubt to be given as held in case reported in **Botukam Narsaiah Vs. State of Andhra Pradesh, rep by Public Prosecutor**³.

14. On the other hand, learned Public Prosecutor appearing on behalf of the State submits that, though there are different versions in two dying declarations discussed above, but the manner of attack that is by the accused has not been disputed in both dying declarations. The deceased is consistent by stating that the accused used to harass her

¹ 2004 (1) ALT (Crl.) 513 (D.B.) (A.P.)

² AIR 2005 SUPREME COURT 97

³ 1997(1) ALT (crl.)(A.P) 568 (DB)

and on the date of incident he beat her poured kerosene oil and then lit fire due to which she received serious burn injuries. Learned Prosecutor further submits that though the other witnesses have been declared hostile who were near and dear of the deceased, but it seems said witnesses have been won over by the accused. Even elder brother of the deceased i.e., PW.11, and junior paternal uncle of PW.1, also declared hostile.

15. In such situation, the learned Public Prosecutor relied upon a case of **Madan v. State of Maharashtra** decided by Hon'ble Supreme Court in Crl.A.No.1025 of 2011 on 06.02.2018, whereby held that, dying declaration of the deceased can form the sole basis for conviction of the accused. It is further held that even though some of the prosecution witnesses turned hostile and minor discrepancies in the prosecution case, however, it does not effect on the result of the case for the simple reason that the Courts below have thoroughly assessed each circumstance and after careful examination of the facts only recorded their concurrent finding.

16. Learned Prosecutor further submitted that though it is argued by the learned counsel for the appellant that the death is not homicidal but is an accidental, however, nothing has been brought on record to show that the death was a result of any accident. He submits that learned trial Court

after considering the evidence on record and considering Exhibits and Material Objects as mentioned above, has rightly convicted the appellant for the offences charged for.

17. It is pertinent to note that PWs. 1 to 8 have deposed in their evidence that the accused and his wife deceased lived in a separate portion of the house and on the day of incident while deceased cooking food on the stove, she sustained burn injuries accidentally and then she was shifted to hospital, however, while undergoing treatment, she died. Accordingly, said witnesses were declared as hostile. During cross-examination, they denied the suggestion that, they have stated to police as in Exs.P1 to P8 i.e., their respective statements under Section 161 Cr.P.C. Also denied to the effect that the accused poured petrol on the deceased and lit fire with match stick stating that she shall die and due to which, the deceased sustained burn injuries on the entire body and she raised cries. Also denied that some of them have extinguished flames by covering blankets on her and that they are deposing falsely to help the accused due to their close relationship and neighbourhood of the accused on the request of the accused.

18. PW.11-Akkula Koteswara Rao, who is elder brother of the deceased and PW.12-Bellam Pitchaiah, who is cousin of PW.1. These two witnesses deposed that cash dowry and gold ring was given to the accused at the time of marriage. PW.11

further deposed that, on his asking, the deceased told him that while cooking food on the stove accidentally she sustained burns. PW.12 deposed that he did not enquire the deceased as to how she sustained injuries. Accordingly, both the aforesaid witnesses declared hostile and during their cross-examination by the learned Additional Public Prosecutor, they have denied the suggestion that the accused demanded additional dowry of Rs.25,000/- and the accused used to beat and harass the deceased and that the accused for the missing of ear studs, poured kerosene on deceased and lit fire to her as referred in Exs.P12 and P13, their respective statements under Section 161 Cr.P.C.

19. PW.9-Ch. Subrahmanyam, deposed that on the request of the police he went to Government Hospital, Narasaraopet, taken photographs of the dead body of the deceased, and after developing the same, he handed over the four positive photos with CD to the police, which are marked as Ex.P9. This evidence of PW.9 stands unchallenged and not disputed with regard to the correctness of Ex.P9-photographs with CD.

20. PW.10-Rayidi Samba Siva Rao, who worked as Village Revenue Officer, Sankurathirpadu Village, deposed that the police have observed the scene of offence which is located at the house of accused and deceased and prepared Ex.P10-scene observation report. The Tahsildar conducted

inquest over the dead body of the deceased in the presence of himself and LWs.17 and 18. They opined in Ex.P11- inquest report that, the deceased died as her husband poured petrol and lit fire to her and he scribed Ex.P11 at the Area hospital, Narasaraopet. The evidence of PWs.9 and 10 establishes the case of the prosecution that Ex.P9-photographs of the deceased taken, and also scene of offence was observed, as per Ex.P10-report and also held inquest over the dead body of the deceased by the Tahsildar at the hospital. There are no such material contradictions, if any, elicited in the evidence of PW.10 to discard his entire evidence. Accordingly, the learned trial Court has relied upon the evidence of PW.10 which proves the contents of Ex.P10 and Ex.P11.

21. PW.16-Mandal Executive Magistrate, Nadendla village, deposed that on the requisition of police, he held inquest over the dead body of the deceased on 21.05.2010 in the presence of PW.10 and as per the version of the witness it was opined by the Panchayatdars that the accused beat the deceased, poured petrol on her and lit fire to her with an intention to kill her and the same is incorporated in Ex.P11-inquest report. Learned trial Court relied upon the said witness also, which proves the correctness of the contents of Ex.P11.

22. PW.15, the then Head Constable of Narasaraopet-I Town Police Station, deposed that on 27.04.2010 while he

was Station House Officer of the Police Station, he received Ex.P16 hospital intimation, then he went to Area Hospital, Narasaraopet at 8.45 a.m., he waited upto 9.00 a.m., as deceased was undergoing treatment, then he recorded statement of the deceased, read over the contents of the statement which are admitted by her as true, then he obtained her left thumb impression on the statement, as the saline was administered through her right hand and the doctor on duty certified that the deceased was conscious and able to give statement which is marked as Ex.P17. It was commenced at 9.00 a.m. and completed at 9.15 a.m,

23. PW.17- D.Venkateswarlu Naik, Judicial First Class Magistrate-cum-I Additional Junior Civil Judge, Narasaraopet, deposed that he received Ex.P18 requisition from the Duty Medical Officer, Area Hospital, Narasaraopet, at 9.00 a.m. on 27.04.2010 to record dying declaration of the deceased. Immediately he went to the hospital at 9.15 a.m. and identified the deceased with the help of duty doctor and doctor certified that the deceased is conscious and coherent and she is in fit state of mind to give statement. Then he put some preliminary questions to the deceased to know about her consciousness, coherence and fit state of mind to give statement and he was satisfied with her answers about her fit state of mind to give statement. Then he recorded her statement-Ex.P19 in verbatim and it was read over and explained to her which is admitted by her as true and then he

obtained her left thumb impression on Ex.P19. Duty doctor again certified that she is conscious, coherent and in a fit state of mind to give statement. Recording of statement was commenced at 9.15 a.m., and it was completed at 9.55 a.m.

24. It is important to note that immediately after the incident of burns the deceased was shifted to Area Hospital, Narasaraopet, and then immediately, the hospital authorities issued medical intimation to the police, which was received by PW.15 at 8.45 a.m. and then from 9.00 a.m. to 9.15 a.m. Ex.P17 statement of the deceased was recorded by PW.15. Thereafter, from 9.15 a.m. to 9.55 a.m., PW.17 recorded Ex.P19-dying declaration of the deceased.

25. The evidence of PWs.15 and 17 and the contents of Exs.P17 and 19 are consistent with the case of the prosecution that the ear studs given by PW.1 to the deceased Sravanthi, were not accepted by her and she thrown on the ground. Then as per the direction of the accused they were picked up by deceased and put them with a gold chain in the shirt pocket of accused. Thereafter on 27.04.2010 at about 6.00 a.m. on asking of accused, on search of shirt pocket of accused, the ear studs were not found by deceased and she informed the same to the accused. Thereupon, the accused beat her and abused her to die and then poured petrol on her body and lit fire with match stick. Consequently, she sustained burns while running with flames on the lane and

she fell down at the portion of house of PW.1 where PW.4 and others have extinguished the fire with blankets and admitted her in the hospital.

26. It is pertinent to note that there are some contradictions in the statements of PWs.15 and 17, but there is consistency that the accused poured kerosene oil and lit the deceased on fire. Though PW.15 in cross-examination deposed that the statement of the deceased was not in question and answer form, however, Ex.P19 clearly shows that only after questioning of deceased by PW.17, she gave Ex.P19-statement and he also put several questions to deceased and recorded her answers as to her conscious, coherence, and her fit state of mind to give statement. Accordingly, the learned trial Court has rightly opined that Ex.P9 is not in the form of questions and answers and which is admissible under the law. Moreover PW.15 and PW.17 appears to be natural and it is free from any suspicion accordingly inspires confidence of truth.

27. PW.18 – Doctor Sharmila, the then Civil Assistant Surgeon, Area Hospital, Narasaraopet deposed that on 27.04.2010 at 8.30 a.m., she sent Ex.P16-intimation relating to the deceased burns to Narasaraopet-I Town Police Station and Ex.P18-requisition to PW.17 for recording dying declaration of the deceased. Accordingly, PW.15 came at 9.00 a.m. and recorded Ex.P17-statement of the deceased in her

presence. She certified that the deceased was conscious, coherent and in fit state of mind to give statement, which is Ex.P17.

28. PW.18 further deposed that on the same day at 9.15 a.m., PW.17 came to record dying declaration of the deceased and she certified that the deceased was conscious, coherent and in a fit state of mind to give statement, and then PW.17 commenced recording Ex.P19-statement of deceased. She further deposed that she was present throughout the recording of statement and after completing of recording of statement, she certified at the end of the statement that the deceased was conscious, coherent and in a fit state of mind to give statement.

29. While deposing before the trial Court, PW.18 clarified that Saline injection was administered to the deceased before recording the statements Ex.P17 and Ex.P19. The presence of PW.18 is not at all disputed at the time of recording of Ex.P17 and Ex.P19 and also clarification by her on Ex.P17 and Ex.P19. The evidence of PW.18 corroborates the evidence of PWs.15 and 17 and also the correctness of the contents of Exs.P17 and P19.

30. PW.14-Civil Assistant Surgeon, Government Hospital, Narasaraopet, and on the requisition of Tahasildar, he conducted post-mortem examination on dead body of the deceased on 21.05.2010 and found burn wounds all over the

body except genitalia. Pus oozing-out from the Dorsal surface of the body burns and the body decomposition started. He opined that the deceased died due to septic shock due to burns. Ex.P15 is the post-mortem certificate of the deceased issued by him.

31. PW.19 the then S.I of police deposed that on 27.4.2010 at about 1.00 p.m. he received Ex.P16 and Ex.P17 from PW.15 and he registered Ex.P17 as a case in Crime No.66 of 2010 for the offence under section 307 IPC against the accused and submitted Ex.P20 original FIR to the Court. Thereafter he went to hospital and examined PWs.1 and 2 and recorded their statements. He observed the scene of offence in the presence of PW.10 and LW.14 and he seized MO.1-burn cloth pieces with skin, MO.2-petrol stained earth, MO.3-controlled earth, MO.4-white colour 5 litres plastic petrol tin containing some quantity of petrol and MO.5-one match box containing match sticks, and he prepared Ex.P21-rough sketch of scene of offence. He examined PWs.3 to 8. PWs.1 to 8 have stated before him as in Exs.P1 to P8. He got photographed the scene of offence and the photographs with CD are Ex.P22. Thereafter he arrested the accused on 07.05.2010 in the presence of PW.13 and LW.16 mediators and recorded the confessional statement of accused. Thereafter, he sent the accused to Court for remand. He further deposed that on 20.05.2010 at 3.00 p.m. he received Ex.P23 death intimation of the deceased from hospital, then

he altered section of law from Section 307 IPC to Section 302 IPC and submitted Ex.P24 altered FIR to the Court and further investigation taken up by the Inspector of Police. This evidence of PW.19 consistent with the case of the prosecution and corroborates the evidence of PWs.9, 10 and 14 to 18.

32. PW.20-Inspector of Police, Chilakaluripet, deposed that on 20.05.2010, he received copy of FIR in this case and he proceeded to the scene of offence at the house of accused. He verified and found the investigation already done by PW.19 is on the correct lines. He examined PWs.11 and 12 and recorded their statements. They have stated before him as in Exs.P12 and 13. Thereafter Mandal Executive Magistrate, Nadendla, held inquest over the dead body of the deceased. He sent the dead body for post-mortem examination. The seized Material Objects sent to FSL, Hyderabad, and received Ex.P25-FSL report, dated 23.06.2010. After completion of investigation, his successor in office filed charge sheet. His evidence corroborates the above evidence of PWs.9, 10 and 14 to 19.

33. In view of the above discussion, undisputed facts in this case are that Sravanthi (deceased) was legally wedded wife of the accused and their marriage was performed about five years before the incident and they were blessed with a son. They were residing at the house of accused at Sankurathripadu village and the incident occurred at the

same house of the accused. While the deceased was in flames running with cries the flames were put-off in front of the house portion of PW.1 which is near by the house of accused.

34. There is no evidence coming forth to place reliance on the version of PWs.1 to 9 that while deceased was cooking food on the stove accidentally she sustained burn injuries. To prove above fact, Ex.P25-FSL report is relevant which reads that item Nos.1 to 4 namely the petrol stained oil, while coloured plastic can, and the orange colour liquid marked as item No.3, and partially burnt cloth pieces marked as item No.4 revealed that the petrol is found in item No.3, and traces of petrol also found in item No.2. The Ex.P25 corroborates the evidence of PWs.9, 10 and 14 to 20 that the accused poured petrol on the deceased and lit fire to her however the incident was not due to stove accident. Moreover, neither food material nor stove in burst condition was found at scene of occurrence.

35. As per Ex.P11-inquest report, the accused while working as bus cleaner, he also selling petrol at the house. Thus the issue raised by the learned counsel for the appellant that in Ex.P17-statement the deceased stated that the accused was working as bus cleaner whereas in Ex.P19 she stated that he was selling petrol, discarded the arguments of the learned counsel for the appellant.

36. The law is settled in case reported in **AIR 2002 SC 2973** by the Supreme Court that what is essentially required is that the person who records a dying declaration must be satisfied that the deceased would be in a fit state of mind at the time of recording dying declaration. Ex.P19 dying declaration recorded by PW.17 is in full compliance of the ratio laid down by the Hon'ble Apex Court in the above case which proves the entire case of the prosecution against the accused for the offence under Section 302 IPC.

37. It is established from the deposition of PW.17 that while recording statement of the deceased he put several questions testing her consciousness and coherence and her fit state of mind to give statement. Also on his asking, deceased gave Ex.P19 statement about the occurrence which cannot be said that it is not in the form of question and answer. Hence, above arguments of learned counsel for the appellant holds no water.

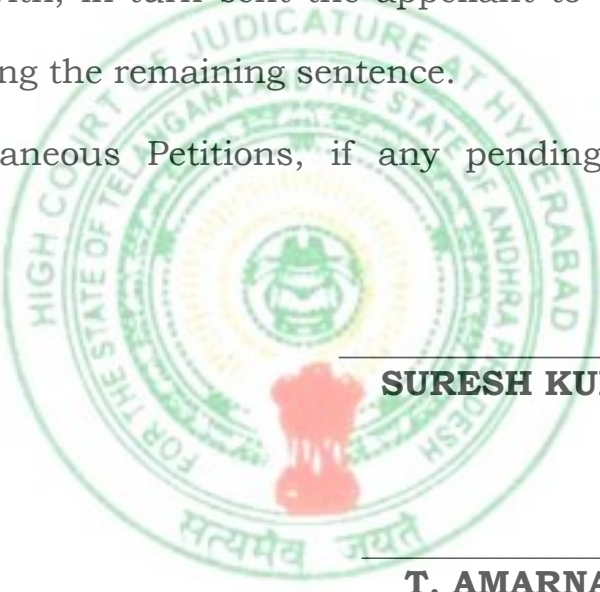
38. No doubt, PW.18-Doctor, nowhere mentioned in her report that the deceased received 90% burn injuries. However she deposed before the Court regarding the same. She also not stated that what was the degree of injury. But the said facts are not fatal to the prosecution case. For the reason the case of the prosecution is that the accused poured petrol and lit fire to the deceased due to which she received burn injuries and succumbed to those injuries.

39. After going to through the facts recorded, evidence discussed above and in view of Exhibits and Material Objects, we are of the considered opinion that the trial Court has rightly convicted the appellant in the present case.

40. Finding no merit in the instant appeal and the same is accordingly dismissed.

41. Since the appellant is on bail pursuant to order dated 21.02.2018, he is directed to surrender before the trial Court forthwith, in-turn sent the appellant to the concerned jail, for serving the remaining sentence.

Miscellaneous Petitions, if any pending, shall stand closed.



SURESH KUMAR KAIT, J.

T. AMARNATH GOUD, J.

Date: 10-10-2018

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