

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**1. CRA-D-595-DB of 2018 (O&M)
Date of Decision: 30.11.2018**

Ashok Kumar @ Pintu KumarAppellant

VERSUS

State of PunjabRespondent

2. MRC No. 1 of 2018

State of PunjabAppellant

VERSUS

Ashok Kumar @ Pintu KumarRespondent

**CORAM:- HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Yash Pal Malik, Legal Aid Counsel,
for the appellant-convict.

Mr. H.S. Grewal, Addl. AG, Punjab

SURINDER GUPTA, J.

Two sons of complainant-Rajni, namely, Manav and Shivam, studying in 3rd standard and Class K.G. respectively in S.D. Sr. Secondary School, Rupnagar, left their house at 08.10 a.m. on 25.09.2017 for going to school but did not return. Complainant alongwith her daughter Jia visited the school and was informed by the school authorities that her children had not come to school on that day. She searched for the children but could not trace them and ultimately reported the matter to the police vide FIR No. 161 dated 26.09.2017, registered at Police Station Rupnagar. The police started search for missing children and also got their posters published to seek information about them.

2. On 28.09.2017, PW-15 Gurmeet Singh, resident of Mohalla Ucha Khera, Rupnagar was going to *Pashu* (cattle) *Mela* and near Telephone Exchange, Rupnagar he saw posters of the missing children Manav and Shivam (Ex. PW-8/Q). On reaching, Sangha Hospital, he witnessed a police party and got recorded his statement that on 25.09.2017, when he was standing on the bridge near CIA Staff, from where cattle were being transported in vehicles, he had seen both the missing children with appellant-Ashok Kumar @ Pintu Kumar. He knew both the children as they were living in his locality. Appellant was taking them, who were in school dress and carrying school bags, towards village Katli.

3. After registration of FIR, PW-8 Inspector Atul Soni initiated a search operation to trace the appellant. When he was present at Bela *Chowk*, complainant disclosed that appellant was coming on motorcycle, where he (appellant) was stopped and formally arrested in this case.

4. Before proceeding further it will be relevant to know as to how complainant came in contact with appellant-Ashok Kumar @ Pintu Kumar.

5. Complainant-Rajni was married to one Babloo of Karnal about 20 years back and a female child, namely, Jia was born from this wedlock. Babloo died within 1½ year of their marriage and thereafter, she got married with one Satish of Delhi, a relative of Babloo. From this marriage she gave birth to a son, namely, Manav. Satish also died and she alongwith both the children started living with her mother Ram Dulari. Thereafter, she married Baldev Ram at Bhatha Sahib Gurudwara and a male child, namely, Shivam was born to her from the loins of Baldev Ram. Her third husband Baldev Ram forced her to leave her children from earlier two marriages. She refused and left his company. She solemnized marriage of her daughter-Jia

with Sachin of U.P. and then came in contact with appellant-Ashok Kumar @ Pintu Kumar and started living in live-in relationship with him for the last about 8 months before the incident. After staying with him for 8 months, she again went to her mother's house as the appellant started pressurizing her to get pregnant from his loins and on her refusal started beating her and the children.

6. After his arrest, appellant suffered disclosure statement (Ex. PW-8/F) the text of which is as follows:-

In order to make complainant give birth to his child he took Manav and Shivam, who were going to school at 08.15 a.m. on motorcycle of his friend bearing no. PB-12J-1802 and from village Katli towards Sutlej canal. After reaching near the canal he allured the children with offer to catch fish and kept their school bags under the bushes on the passage by the side of canal. He also kept the white shirt of Manav there. About 100 yards away, there was a deep pond having water and threw both the children in that pond and watched them till they died. He offered to get recovered the dead bodies of both the children, their school bags and shirt of Manav, which were in his exclusive knowledge.

7. After his disclosure statement, appellant led the police party to a pond near Sutlej river and in the presence of duty Magistrate Mr. Hargobind Singh and photographer Brij Mohan got recovered the dead bodies of both the children with his own hands from the pond. The entire place of occurrence was videographed by photographer Brij Mohan. The dead bodies of both the children were identified by complainant and were

taken into possession vide recovery memo (Ex. PW-8/G), which was signed by the Duty Magistrate and ASI Manjit Singh. The appellant then led the police party to the place where he had kept their school bags and white shirt of Manav concealed and got the same recovered, which were taken into possession vide recovery memo (Ex. PW-8/M). The school bags and shirt were identified by the complainant vide memo (Ex. PW-8/N). The dead bodies of both the children were handed over to ASI Manjit Singh for postmortem and on the next day postmortem on the dead bodies of both the children was conducted at Civil Hospital, Rupnagar.

8. On postmortem of dead body of Shivam, PW-19 Dr. Nitin Sethi observed as follows:-

“It was dead body of a child with plucking scalp hair having leaf twigs in scalp. Eyes were protruding out bilaterally, wearing white shirt and blue shorts, having washerman hands and feet. Length of dead body was 40 inches. Rigor mortis : The dead body was having pugilistic posture. Hands, fists were open bilaterally. There was greenish discolouration of whole of body and it was significantly foul smelling. There was no visible ligature mark. Pupils were dilated. Cornea were hazy. Froth was not present. Bleeding from nostrils was not there. Brain tissues were liquefied. Tongue was bitten between teeth. Larynx and trachea contained scant water. There was fracture of 3rd and 4th rib of right side. Sternum was sent for chemical examination test. Pleural cavity was empty. Both the lungs were shrunken bilaterally. No fluid was oozing on incising. Pericardium and

heart were normal. No blood was present on incising. Putrefaction gases were present in peritoneum and Retroperitoneum. Large intestine contained foul smelling gases. Small and large intestine, liver, gall bladder, spleen and kidneys were sent for chemical examination. Urinary bladder was empty.”

9. The cause of death was kept pending till receipt of report of Chemical Examiner and diatom test report. On receipt of above reports, Dr. Nitin Sethi stated as follows:-

“Today I have seen report of chemical examiner Ex. PZ regarding the viscera of Shivam, according to which, no poison was found in any of the parts of viscera. Diatom was found in sternum and same diatom was present in the water sent to the laboratory taken from the same place from where dead body was recovered. From the report of chemical examiner Ex. PZ, I and my co-doctors Kamaldeep and Dr. Harmail Singh, who are also present in court today, are confirmed that cause of death in this case was due to drowning which was ante mortem in nature and was sufficient to cause death in ordinary course of nature.”

10. Autopsy report prepared by Dr. Nitin Sethi, Dr. Kamaldeep and Dr. Harmail Singh is Ex. PW-19/B.

11. Postmortem examination on dead body of Manav was also conducted on the same day and it was observed by medical board as follows:-

“It was dead body of a child aged around 10 years

having leaf twigs in scalp black hair which were getting removed with slightest of force, multiple maggots were seen and crawling over the dead body. Length of dead body was 45 inches. Rigor mortis : Body was in pugilistic posture, having washerman hand and feet. Eyes were protruding bilaterally. Tongue was bitten between teeth, dead body was wearing blue shirts. There was greenish discolouration of whole of the body and was significantly foul smelling. Pupils were dilated. Cornea were lazy. There was no visible mark of injury on the body. Brain tissues were liquefied. Larynx and trachea contained scant water. Sternum was sent for diatom test. Pleural cavity was empty. Both the lungs were shrunken bilaterally. Froth was not present in incising Pericardium and heart were normal. No blood was present in incising. Pericardium and heart were normal. No blood was present on incising. Putrefaction gases were present in peritoneum and retroperitoneum. Large intestine contained foul smelling putrefaction gases. Stomach, small intestine, liver, gall bladder, spleen and kidneys were sent for chemical examination.”

12. In the opinion of doctor, cause of death of Manav was also due to drowning.

13. After completion of investigation, challan against appellant was presented in Court. As the offence under Section 302 of Indian Penal Code (for short 'IPC') was disclosed, the same was committed to the Court of Sessions for trial. Copies of documents as required were supplied to the

appellant. Learned trial Court found a *prima facie* case for offences punishable under Sections 363, 302, 201 IPC against the appellant and he was charge-sheeted accordingly to which he pleaded not guilty and claimed trial.

14. In support of its case, the prosecution examined PW-1 Munish Bindra, PW-2 Karan Singh, Draftsman, PW-3 HC Narinder Singh, PW-4 Firoz Khan, Clerk SDM Office, PW-5 Madhu Dhawan, Principal, SD School, Rupnagar, PW-6 Kapil Dev, PW-7 Brij Mohan Sharma, Photographer, PW-8 Inspector Atul Soni, PW-9 Harpreet Sharma, PW-10 ASI Manjit Singh, PW-11 Deepak, PW-12 Rajni, PW-13 HC Sucha Singh, PW-14 Jia, PW-15 Gurmeet Singh, PW-16 Inspector Kulbir Singh, PW-17 Sudam Hussain, PW-18 Deepak, PW-19 Dr. Nitin Sethi, PW-20 Dr. Harmail Singh and PW-21 Dr. Kamaldeep.

15. After completion of prosecution evidence, statement of appellant under Section 313 Cr.P.C. was recorded, wherein he denied all the allegations levelled against him and pleaded his false implication. He stated in defence as follows:-

“I am innocent. I have committed no offence. I have been falsely involved in the case. Gurmeet Singh has been falsely introduced as witness by the police. He is the stock witness of the police.”

16. The appellant examined Narinder Singh, Ahlmad in the Court of Judicial Magistrate Ist Class, Rupnagar as DW-1, who stated that FIR No. 106 dated 31.10.2013 for offence punishable under Section 379, 411 IPC was registered on the statement of Gurmeet Singh son of Pritam Singh and produced on file copy of his statement recorded in that case as DW-1/A.

17. After conclusion of defence evidence and hearing part arguments, learned Sessions Judge, Rupnagar in order to verify the distance between village Katli and Lodhi Majra as reflected in tower location of cell phone of the appellant called Halqa Patwari of villages Katli and Lodhi Majra as Court witness, who stated that Lodhi Majra is at a distance of 2 kms. from village Katli and village Alampur falls in between villages Katli and Lodhi Majra. After recording statement of Court witness supplementary statement of appellant under Section 313 Cr.P.C. was again recorded wherein he denied that distance between villages Katli and Lodhi Majra is 2 kms. He stated that it is more than 5 kms.

18. Learned trial Court again heard Public Prosecutor and defence counsel and on the basis of evidence on record held the appellant guilty for offences punishable under Sections 364 (two counts), 302 (two counts) and 201 IPC. On hearing the parties on quantum of sentence, learned Sessions Judge, sentenced the appellant as follows:-

“6. In view of my above discussion, it is held that it is one of the rarest of rare cases in which the convict must meet the gallows. Hence he is sentenced to death under Section 302 IPC for committing double murder. Execution of such death sentence shall be subject to confirmation by the Hon'ble High Court of Punjab and Haryana at Chandigarh. He is also sentenced to pay fine of Rs.50,000/-, in default of which to undergo rigorous imprisonment for one year under Section 302 IPC, in case his death sentence is not confirmed by the Hon'ble High Court. He is further sentenced under Sections 364

and 201 IPC as under:-

<i>Under Section 364 IPC</i>	<i>To undergo rigorous imprisonment for Ten years and to pay a fine of ₹10,000/- and in default of payment of fine, to further undergo rigorous imprisonment for one year, in case death sentence is not confirmed by the Hon'ble High Court.</i>
<i>Under Section 201 IPC</i>	<i>To undergo imprisonment for Five years and to pay a fine of ₹5000/- and in default of payment of fine, to further undergo rigorous imprisonment for six months, in case death sentence is not confirmed by the Hon'ble High Court.</i>

All the sentences shall run consecutively, in case death sentence is not confirmed by the Hon'ble High Court. Out of the amount of fine imposed upon the convict, if recovered from the convict, 2/3rd shall be paid as compensation to the complainant/victim.....”

19. While the reference was made for confirmation of death sentence awarded to the appellant (MRC No. 1 of 2018), the appellant has also filed separate appeal (CRA-D-595-DB-2018).

20. We have heard learned State counsel Mr. H.S. Grewal, Addl. A.G., Punjab and learned counsel for the appellant-convict and have also perused the judgment of trial Court and lower Court record with their active assistance.

21. Learned counsel for the appellant has mainly attacked the testimony of PW-15 Gurmeet Singh and has argued that he is a stock witness of the police and has been planted only to create evidence that the appellant was last seen with deceased children. In support of his contention he has relied on another FIR got registered by Gurmeet Singh on 31.10.2013

about theft of iron rods lying in front of his house. It was a statement made in the shape of complaint to the police by PW-15 Gurmeet Singh, who was a victim as his iron material was stolen. The incident pertains to the year 2013 and in no manner puts Gurmeet Singh in the category of stock witness. He was not confronted with this statement when he appeared as PW-15. Even otherwise, if a person is victim and makes complaint to the police, he does not become a stock witness.

22. Gurmeet Singh is a most natural witness of this case. Complainant was living in his street as tenant. He had seen both the children and appellant-Ashok Kumar @ Pintu Kumar was known to him. On 25.09.2017, in the morning he had seen appellant-Ashok Kumar @ Pintu Kumar taking both the children, Manav and Shivam towards village Katli and at that time there was no reason for him to have any suspicion. After recording of FIR about missing children, posters to seek information about them were pasted at various places. This witness also saw one of the posters near Telephone Exchange, Rupnagar and on the way to Sangha Hospital he met the police party and apprised them that he had seen the appellant with the missing children on the morning of 25.09.2017 while he was taking them towards village Katli. This gave a break through to the police. After arrest of the appellant, this witness was called to the police station where he identified the appellant amongst 2-3 persons shown to him. The argument of learned counsel for the appellant that Gurmeet Singh is a stock witness of the police is without basis or merit and is discarded.

23. The prosecution examined complainant as PW-12. After giving narration of her previous three marriages and birth of three children from those marriages, she has stated that after marriage of her daughter-Jia she

came in contact with appellant and started living in his house for about 8 months. Thereafter, she again went to her mother's house as appellant started forcing her to be pregnant from his loins. When she refused, he started beating her and her children. On 25.09.2017, her both the children had gone to school but did not return. She tried to trace them but could not succeed. She made statement (PW-10/A) to the police on the basis of which FIR was registered. Even thereafter, she kept on searching for the children and doubted that appellant was behind the episode.

24. The police after getting the information from PW-15 Gurmeet Singh apprehended the appellant on 28.09.2017 while he was going on a motorcycle. The dead bodies of both the children were recovered from the pond on the disclosure statement of the appellant. He also got recovered their school bags and shirt of Manav. Complainant had identified the dead bodies of both the children, their school bags and shirt of her son Manav. Recovery of dead bodies was videographed by PW-7 Brij Mohan on his digital camera. He prepared two CDs (Ex. PW-7/A and Ex. PW-7/B) and handed over the same to the police, which were taken into possession vide memo Ex. PW-7/C).

25. To prove the use of motorcycle on which the children were taken to pond and killed, prosecution examined PW-18 Deepak, who has stated that the motorcycle in question was owned by him, which he had sold to Sudam Hussain (PW-17) in the year 2007 for a sum of ₹3500/-. PW-17 Sudam Hussain has stated that the appellant took his motorcycle No. PB-12J-1802 at 08.00 a.m. on 25.09.2017 on the pretext that he had to bring medicines for his wife and returned it at 01.00 p.m.

26. The prosecution has placed on file site plan of place of

occurrence from where the dead bodies of deceased, Manav and Shivam, were recovered, as Ex. PW-2/A. It has examined Karam Singh, Draftsman as PW-2, who has stated that this site plan was prepared by him and place of occurrence is in the area of village Katli. While referring to this site plan, learned counsel for the appellant has argued that as per prosecution version, the dead bodies of children were found in a pond while in this site plan pond has not been shown and this belies the version of the prosecution that dead bodies of Manav and Shivam were recovered from pond.

27. As per site plan (Ex. PW-2/A), trees have been shown around the place from where dead bodies of Shivam and Manav were recovered. On perusal of this site plan, we find that the place of occurrence is by the side of Sutlej river, which has a check dam from the side of metalled road. On the northern side of the place of recovery from where dead bodies were recovered, there is Sutlej river. Though, the draftsman has not mentioned the place of recovery of dead bodies as a pond, PW-8 Inspector Atul Soni has stated that after his disclosure statement appellant guided the police party to pond where both the children were disposed of. PW-10 ASI Manjit Singh has also stated that the appellant led them to disclosed place as per his disclosure statement (PW-8/F) and pointed out the pond from where the dead bodies of the children were recovered. The location of the place from where the dead bodies were recovered shows that it was by the side of river having no check dam towards this side. This proves that the place, where the children were thrown and their dead bodies were recovered, is by the side of Sutlej river, where water could accumulate to give this place shape of a pond, as such, non-mentioning of word 'pond' in site plan does not make any difference. Even otherwise, it is nowhere the case of appellant

that the place of recovery of dead bodies had no water collected over there. The argument of learned counsel for the appellant on this score, as such, has no merit and is discarded.

28. The prosecution has also examined Kapil Dev as PW-6, who has stated that Ram Dulari mother of Rajni came to his house to take the ground floor on rent for 2-3 months and disclosed that she had to live alongwith her son-in-law Ashok Kumar @ Pintu Kumar (appellant) and two small children of Rajni. On 07.08.2017, he let out the premises to them. Rajni and appellant used to quarrel with each other and due to nuisance he asked them to vacate the premises, which they vacated on 30.09.2017. He has also identified appellant-Ashok Kumar @ Pintu Kumar. The statement of this witness corroborates the version of complainant that the appellant had been quarreling with her and giving beatings to her and her children to force her to give birth to his child.

29. The case of prosecution is based on circumstantial evidence. Learned trial Court while examining the circumstantial evidence has looked into the principle laid down by Hon'ble Apex Court that chain of circumstantial evidence should be complete. In this case the prosecution has been able to prove that the appellant was last seen with deceased children on 25.09.2017 by PW-15 Gurmeet Singh. As already discussed he (PW-15 Gurmeet Singh) is the most natural witness, having no enmity with the appellant or affinity with the complainant. His acquaintance with the appellant and children, as they were living in the same locality where he was living, was not challenged during his cross-examination. The tower location of the mobile phone (9779631057) recovered from the appellant shows that he was in the area of village Katli at the time of incident from

where the dead bodies of both the kids as per disclosure statement of appellant were recovered.

30. Jia, daughter of the complainant appeared as PW-14 and stated that she was having mobile phone bearing no. 9779631057 in her name. It was issued to her three months prior to death of her brothers, Manav and Shivam. She handed over the cell phone to appellant-Ashok Kumar @ Pintu Kumar, whom she addressed as her step father, who was using it thereafter.

31. Learned trial Court on appraisal of evidence regarding call details of appellant has observed in para 29 as follows:-

“29.As per call detail record Ex.PW1/B and lower location Ex.PW1/C, the aforesaid cell phone, which was being used by the accused remained in use under a tower situated in the area of village Lodhi Majra, Tehsil and District Rupnagar in between 8.38 a.m. to 9.26 a.m. i.e. immediately after PW Gurmeet Singh had seen the accused taking the children towards village Katli. In order to ascertain the location of village Lodhi Majra, this court summoned CW-1 Mithlesh Kumar, Halqa Patwari of village Lodhi Majra who deposed that village Lodhi Majra is at a distance of about 2 kilometres from Katli. Although, during his cross examination, he deposed that such distance might also be 4-5 kilometre, but even within such radius the use of cell phone by the accused in the area of Katli is deducible because during his cross examination PW-1 Munish Bindra deposed that the range of one tower, which was situated in the area village Lodhi Majra as per call detail record Ex.PW1/B, is 5-6 kilometre in square. Thus, the prosecution has been able to prove beyond reasonable doubt that the accused was in the area of village Katli at the time of occurrence after having been lastly seen in the company of the children

by PW Gurmeet Singh. Recoveries of dead bodies on the basis of disclosure statement of the accused from the area of Katli has further corroborated the story of prosecution that the accused took the children towards Katli.”

32. From the postmortem report, it is duly proved that death of both the children had occurred due to drowning. The appellant has not come up with any explanation as to what happened to children after he was last seen with them at about 08.30 a.m. on 25.09.2017 by PW-15 Gurmeet Singh. The dead bodies of both the children, their school bags and shirt were also recovered on the disclosure statement of appellant and this further corroborates the prosecution version and testimony of PW-15 Gurmeet Singh.

33. Learned counsel for the appellant has argued that duty Magistrate, who was allegedly present at the time of recovery of dead bodies, has not been examined. Learned trial Court has looked into this aspect and observed that duty Magistrate had already died. PW-8 Inspector Atul Soni and PW-10 ASI Manjit Singh have deposed about the recovery of dead bodies as per statement of appellant and their statements are corroborated by testimony of PW-7 Brij Mohan, who had videographed the recovery of dead bodies at the behest of appellant. The prosecution has also proved the motive for the appellant to murder both the children. Complainant-Rajni has stated that when she started living with the appellant, he compelled her to get pregnant from his loins but she refused. At this, he started giving beatings to her and her children. PW-6 Kapil Dev in whose house they were living as tenant has corroborated the testimony of complainant-Rajni and has stated that both Rajni and appellant-Ashok

Kumar @ Pintu Kumar used to quarrel with each other and he asked them to vacate the house on 07.08.2017 i.e. about more than a month before the incident.

34. From the evidence led by the prosecution, the chain of circumstantial evidence is complete. It is proved on file that complainant-Rajni; an unfortunate lady who lost her two husbands and was thrown out by the third, was having one child from each of her previous husbands; had started living with appellant, who also insisted that she should give birth to his child to which she did not agree, probably because of the reason that she had attained the status of mother-in-law by that time after getting her daughter married. Out of annoyance and to take revenge, the appellant planned to eliminate her two children but was caught as he was seen going with them by PW-15 Gurmeet Singh. The motive factor coupled with recovery of dead bodies of both the children, their schools bags and shirt complete the chain of circumstantial evidence against the appellant and learned trial Court has rightly convicted the appellant for offence punishable under Sections 302, 364 and 201 IPC. We affirm the conviction of appellant as recorded by trial Court.

35. Learned counsel for the appellant has requested for a lenient view regarding the quantum of sentence. He has argued that the appellant is a young man aged about 27 years without any criminal antecedents. Though, the offence is quite serious in nature but it does not fall in the gravest case of extreme culpability calling for no other sentence except death sentence to the appellant.

36. Learned State counsel has argued that keeping in view nature of offence committed by the appellant, who eliminated two young children and

betrayed the confidence of complainant, who was living and reposing confidence in him, the trial Court has rightly arrived at the conclusion that it is the rarest of rare case for awarding death sentence.

37. It is a case where two young children of complainant have been killed by the appellant. The crime committed by the appellant is indeed brutal and cruel. The question, which arises for consideration before us is whether the offence of double murder and the manner of commission of crime should be sufficient to justify the imposition of death penalty.

38. Hon'ble Apex Court in case of **Shyam Singh @ Bhima vs. State of Madhya Pradesh, (2017) 11 SCC 265** while dealing with the question of awarding death penalty for triple murder case including the murder of parents, has observed that following facts should be looked into while justifying the award of death penalty to the accused:-

- “(1) the age of the accused;*
- (2) the possibility of reform;*
- (3) the socio-economic background of the accused*
- (4) the circumstances in which the crime has been committed;*
- (5) the quality of the evidence which had prevailed with the Court in upholding the conviction;*
- (6) lack of criminal antecedents.”*

39. In the present case, the appellant is 27 years of age. There is nothing on file that he has any criminal history. The motive for crime as attributed to him is that he wanted to have his own child from the womb of complainant, which she refused.

40. In case of **Rajkumar vs. State of M.P., (2014) 55 SCC 353**, Hon'ble Apex Court has observed as follows:-

“19. The extreme penalty of death need not be inflicted except

in gravest cases of extreme culpability. Before opting for the death penalty the circumstances of the offender also require to be taken into consideration alongwith the circumstances of the crime for the reason that life imprisonment is the rule and death sentence is an exception. The penalty of death sentence may be warranted only in a case where the court comes to the conclusion that imposition of life imprisonment is totally inadequate having regard to the relevant circumstances of the crime. The balance sheet of aggravating and mitigating circumstances has to be drawn up and in doing so, the mitigating circumstances have to be accorded full weightage and a just balance has to be struck between the aggravating and mitigating circumstances before option is exercised.”

41. In the present case, the appellant has been convicted on the basis of circumstantial evidence and taking into consideration all the facts we are of opinion that despite the crime committed by the appellant being serious and heinous, it is not a case which falls within the category of rarest of rare cases, hence we set aside the death sentence and award life imprisonment to the appellant for offence punishable under Section 302 IPC.

42. With above observations, **MRC No. 1 of 2018** is answered in affirmative by holding that the impugned judgment dated 08.05.2018 passed by learned Sessions Judge, Rupnagar in Sessions Case No. 15 dated 12.02.2018 of conviction of the applicant-convict-Ashok Kumar @ Pintu Kumar for the offence punishable under Section 302 IPC read with Section 364 and 201 IPC, is legal, correct and proper and is confirmed. Consequently, the appeal (**CRA-D-595-DB-2018**) filed by the appellant-convict against his conviction and sentence, stands dismissed.

43. The impugned order dated 10.05.2018 passed by learned Sessions Judge, Rupnagar, in Sessions Case No. 15 dated 12.02.2018, awarding death sentence to the appellant-convict-Ashok Kumar @ Pintu Kumar, is however, set aside; and it is ordered that he shall undergo imprisonment for life in its place. The sentence awarded for commission of other offences to remain intact and shall run concurrently. The sentence of fine is also maintained.

44. Copy of this judgment be conveyed to Superintendent of concerned jail for compliance.

(A.B. CHAUDHARI)
JUDGE

(SURINDER GUPTA)
JUDGE

November 30, 2018
jk

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No