

IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.A. 268/2015

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Reserved on: December 14, 2017
Date of decision: January 24, 2018

VIRENDER @ DHULLA Appellant
Through: Mr. Rasheed Hashmi, Advocate.

versus

CENTRAL BUREAU OF INVESTIGATION Respondent
Through: Mr. Sanjeev Bhandari, Spl. PP with
Mr. Prateek Kumar, Advocate.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE I.S.MEHTA

JUDGEMENT

I.S.Mehta, J.

1. Instant appeal is arising out of judgment dated 30th September, 2014 and order on sentence dated 3rd November, 2014 passed by the learned Additional Sessions Judge, Tis Hazari Court, in Case RC.3(S)/98/SCB-II/DLI registered at Police Station S.P. Badli under Sections 302/316 IPC, whereby the appellant-accused has been sentenced to undergo life imprisonment along with fine of Rs.30,000/- for the offence punishable under Section 302 IPC and in default of payment of fine to undergo simple imprisonment for one year; the appellant-accused has also been sentenced to rigorous imprisonment of further ten years along with fine of Rs. 20,000/-

for the offence punishable under Section 316 IPC and in default of payment of fine, to undergo simple imprisonment for one year.

2. The brief facts stated are that initially an FIR No. 317 of 1996 under Sections 394, 34 IPC was registered at Police Station Samaipur Badli, Delhi on the basis of the statement given by the complainant i.e. Sanjay Rathore (since dead) at Santom Hospital to SI V.N. Mishra on 27th of April, 1996. Subsequently, father of the deceased victim Kishan Chand Rathore, filed Writ Petition No. 282 of 1997 before the Hon'ble Supreme Court of India and the same was allowed and further investigation was handed over to CBI. Consequently, CBI took over the investigation on 4th September, 1998 vide case No. RC.3(S)/98/SCB-II/DLI.

3. The prosecution case set up by Sanjay Rathore in FIR No. 317 of 1996 is that on 27th of April, 1996, Sanjay Rathore along with his wife (Veena: deceased victim), mother (Smt. Kamla) and daughter (Ms. Kajal) on their return from a marriage party had gone in his car to visit his godown in Shahbad Daulatpur, Delhi at around 8.00 p.m. on 27th of April, 1996. On opening the main gate it was noticed that there was no light and accordingly Sanjay Rathore proceeded to buy a candle. When he reached near his car, three young boys commanded him to hand over whatever he had and on his refusal one of them stabbed him in the left side of his abdomen. Those boys started removing ornaments of his mother and wife besides beating them. He raised an alarm and rushed to the godown of Kulwant Rana where a number of persons were sitting. On seeing his injuries they rushed to the godown and removed his wife and mother to Santom Hospital.

4. Subsequently, the aforesaid FIR No. 317 of 1996 was investigated by the CBI and it was revealed that Sanjay Rathore had been having an affair with Ms. Alka since a very long time. Sanjay was married to Smt. Veena in 1985 but his relation with Ms. Alka continued. On 5th February, 1993 Sanjay filed a divorce petition seeking divorce from Ms. Veena on the ground that Ms. Veena had deserted him for the last two years whereas Ms. Veena was residing with him in the same house all along and gave birth to two children, one in 1992 and one in May 1994. Efforts of Sanjay Rathore to obtain ex-parte divorce could not succeed and under compelling circumstances he withdrew his divorce petition on 27th April, 1993.

5. Investigation also revealed that in a marriage party held in 1995 there was a heated argument between Sanjay and brother of his wife (Sanjeev) wherein Sanjay threatened Sanjeev of dire consequences. In the year 1996, Sanjay and Alka entered into a conspiracy with Advocate Sudesh Kumar Sharma, Virender, Satish and Raju to commit murder of Ms. Veena who was at advance stage of pregnancy. In pursuance of conspiracy Sanjay Rathore took Veena to his godown at Shahbad on 27th April, 1996 after attending a marriage party at Bhagwati Garden where dinner was to be served at 9:00 pm and *baraat* was to reach at 8:00 pm. Sanjay and his mother, wife, and daughter Kajal went to the venue of marriage at 7:00 pm without taking dinner and reached the godown at 8:00 pm. There Veena was brutally hit on her head and was shot in her abdomen. Accused persons also attempted to fire on Veena with another .315 bore katta. The cartridge fell down and was recovered from the place of occurrence by SI B.N. Mishra of Police Station

Samaipur Badli in case FIR No. 317/1996.

6. Ms. Veena succumbed to the injuries at 5:10 am on 28th April, 1996 in Santom Hospital. On 26th July, 2000 accused persons Virender, Satish @ Tej Singh, Raju and Alka were arrested along with Advocate S.K. Sharma (since dead). Accused persons namely Virender, Satish, and Raju made disclosure statements implicating themselves and others together with the fact that the country made katta of .38 bore and .315 bore which were used by them while committing the murder of Ms. Veena, had already been recovered by police of Noida Sector 20 in case FIR No. 777 of 1997 at the instance of Virender and Satish on 16th September, 1997.

7. The stolen Maruti Van No. UP-14A 8634 used in the commission of offence was recovered from possession of Virender with fake registration number and fake registration certificate by Krishan Nagar Police Station Delhi in FIR No. 258 of 1996. A report regarding theft of this Maruti Van No. DL 3CE 1528 was already lodged by Sagar Chand Jain and it was recovered from accused Virender with number plate of UP 14A 8634 by tampering with the registration plate of Maruti Van No. UP 14A 8031. Kattas which were recovered by Noida police was also taken into custody by the CBI and were sent to FSL for opinion.

8. One .38 fired bullet was found in the abdomen of Ms. Veena matched with the fire arm .38 bore and the live cartridge recovered from the spot was also opined to have been fired from the .315 bore katta recovered by the police as per ballistic report. The iron rod used in the commission of offence

was also recovered by Noida Police and then seized by CBI in this case.

9. The CBI filed charge sheet on 24th October, 2000 under Section 120-B read with Sections 302, 316, 201 IPC against Sanjay Rathore (since deceased), Virender @ Dhulla (appellant herein), Satish @ Tej Singh @ Surjeet Singh @ Dilip Singh, Raju, Alka and Sudesh Kumar Sharma. The learned Trial Court framed charges against all the six accused persons on 12th February, 2002.

10. During the pendency of trial, out of the six accused persons three accused persons died i.e. Satish @ Tej Singh died in June 2010, Sanjay Rathore died in June 2013 and Sudesh Kumar Sharma died in June 2013. The cases against them were abated.

11. The learned Additional Sessions Judge, Tis Hazari Court by the judgment dated 30th September, 2014 acquitted Raju and Alka for want of evidence and convicted Virender (appellant herein) for the offences punishable under Sections 302/316 IPC.

12. Aggrieved from the above said order, the appellant-accused has filed the present appeal.

13. The learned counsel for the appellant-accused has submitted that there is no sufficient material evidence to bring home the guilt of the accused under Sections 302/316 IPC. The learned counsel for the appellant-accused has further submitted that there is no eye-witness in the instant case and the case

is based on circumstantial evidence. He has further submitted that the alleged pointing out of the place of occurrence by the co-accused persons and the recovery of weapon of offence by the police in case FIR No. 777 of 1997 does not connect the appellant-accused with the case and at same time it does not inspire confidence to bring home the guilt of the accused.

14. Per contra, the learned Special Public Prosecutor, CBI has submitted that there is ample and sufficient evidence to connect the appellant-accused for commission of offence. The appellant-accused was arrested on 26th July, 2000 and he made disclosure statement on 1st August, 2000.

15. The case in hand is based on circumstantial evidence. The circumstances as shown qua the present appellant-accused are on the basis of disclosure statement made on 26th July, 2000 and on the basis of recovery of fire arms and vehicle recovered on 16th September, 1997 and 28th June, 1996 respectively in FIR No. 777 of 1997 and FIR No. 258 of 1996.

16. The Doctrine of Confirmation is based on the principle that, if any fact is discovered in a search made on the strength of any information obtained from an accused, which is in his exclusive knowledge of fact, the same would be relevant fact to bring home the guilt of the accused.

17. The "**Fact**" as per Section 3 of the Indian Evidence Act, 1872 (IEA) means and includes-

*(1) any thing, state of things, or relation of things,
capable of being perceived by the senses;*

(2) any mental condition of which any person is conscious."

18. The "**Relevant Fact**" as per Section 3 IEA means

The relevant fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts.

19. The fact under Section 27 of the IEA is a '**fact**' which is a proviso to Section 25, 26 of the IEA for admitting the evidence to the extent of **discovery of any fact** in the disclosure of the accused relating to fact which is of his exclusive knowledge of committing the crime/guilt which relates distinctly to that effect.

20. The aforesaid principle was laid down by the Privy Council in ***Pulukuri Kottaya and others v. Emperor***, AIR 1947 PC 67 and later the Apex Court in ***State of Maharashtra v. Damu***, AIR 2000 SC 1691, in the following words:

"37. ...It is now well-settled that recovery of an object is not discovery of a fact as envisaged in the section. The decision of Privy Council in Pullukurn Kottayya v. Emperor, AIR 1947 PC 67 as the most quoted authority for supporting the interpretation that the "fact discovered" envisaged in the Section embraces the place from which the object was produced, the knowledge of the accused as to it, but the information given must relate distinctly to that effect."

21. The Apex Court while dealing with Section 27 of the IEA in the case of

***Amitsingh Bhikamsingh Thakur v. State of Maharashtra*, (2007) 2 SCC 310**, further explained:

- (1) The fact of which evidence is sought to be given must be relevant to the issue. It must be borne in mind that the provision has nothing to do with question of relevancy. The relevancy of the fact discovered must be established according to the prescriptions relating to relevancy of other evidence connecting it with the crime in order to make the fact discovered admissible.*
- (2) The fact must have been discovered.*
- (3) The discovery must have been in consequence of some information received from the accused and not by the accused's own act.*
- (4) The person giving the information must be accused of any offence.*
- (5) He must be in the custody of a police officer.*
- (6) The discovery of a fact in consequence of information received from an accused in custody must be deposed to.*
- (7) Thereupon only that portion of the information which relates distinctly or strictly to the fact discovered can be proved. The rest is inadmissible."*

22. It is an admitted case of the prosecution that the instant case is based on circumstantial evidence and there is no eye-witness in the present case. The law relating to circumstantial evidence is well settled. In ***Hanumant Govind Nargundkar v. State of Madhya Pradesh*, AIR 1952 SC 343**, it was held:-

"It is well to remember that in cases where the evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should be in the first instance be fully established and all the facts so established should be consistent only with the hypothesis of the guilt of the accused. Again, the circumstances

should be of a conclusive nature and tendency and they should be such as to exclude every hypothesis but the one proposed to be proved. In other words, there must be a chain of evidence so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused and it must be such as to show that within all human probability the act must have been done by the accused.”

23. The Apex Court in ***Sharad Birdhichand Sarda v. State of Maharashtra, AIR 1984 SC 1622*** laid down the following principles governing the law relating to circumstantial evidence which is reproduced as under:-

“1. The circumstances from which the conclusion of guilt is to be drawn should be fully established;

2. The facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the Crl. A 805 of 2017 Page 23 of 36 accused is guilty;

3. The circumstances should be of a conclusive nature and tendency;

4. They should exclude every possible hypothesis except the one to be proved;

5. There must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.”

24. Further the Apex Court in ***State of Haryana v. Jagbir Singh, AIR 2003***

SC 4377 has made the following observation as under:-

“It has been consistently laid down by this Court that where a case rests squarely on circumstantial evidence, the inference of guilt can be justified only when all the incriminating facts and circumstances are found to be incompatible with the innocence of the accused or the guilt of any other person. (See Hukam Singh v. State of Rajasthan AIR 1977 SC 1063; Eradu and Ors. v. State of Hyderabad AIR 1956 SC 316; Earabhadrapa v. State of Karnataka AIR 1983 SC 446; State of U.P. v. Sukhbasi and Ors. AIR 1985 SC 1224; Balwinder Singh v. State of Punjab AIR 1987 SC 350; Ashok Kumar Chatterjee v. State of M.P. AIR 1989 SC 1890. The circumstances from which an inference as to the guilt of the accused is drawn have to be proved beyond reasonable doubt and have to be shown to be closely connected with the principal fact sought to be inferred from those circumstances. In Bhagat Ram v. State of Punjab AIR 1954 SC 621, it was laid down that where the case depends upon the conclusion drawn from circumstances the cumulative effect of the circumstances must be such as to negative the innocence of the accused and bring the offences home beyond any reasonable doubt. We may also make a reference to a decision of this Court in C. Chenga Reddy and Ors. v. State of A.P. (1996) 10 SCC 193, wherein it has been observed thus: Crl. A 805 of 2017 Page 24 of 36 "In a case based on circumstantial evidence, the settled law is that the circumstances from which the conclusion of guilt is drawn should be fully proved and such circumstances must be conclusive in nature. Moreover, all the circumstances should be complete and there should be no gap left in the chain of evidence. Further the proved circumstances must be consistent only with the hypothesis of the guilt of the accused and totally inconsistent with his innocence....”

25. Here, the relevant facts emerging on record are:-

- (i) An FIR No. 317/1996 was registered at Police Station Samaipur Badli by Sanjay Rathore on 27.04.1996.
- (ii) The victim died at 5:10 am on 28.04.1996 as per her death summary i.e. Ex.PW 31/D.
- (iii) CBI took over the investigation and registered a separate FIR vide case No.RC.3(S)/98/SCB-II/DLI on 04.09.1998.
- (iv) Virender was arrested in the present case on 26.07.2000 and made disclosure statement on 26.07.2000. Consequent to his disclosure he allege to got recovered the weapon of offence i.e. desi katta of .315 bore i.e. Ex. 48/B , desi revolver of .38 bore i.e. Ex. 48/C which is already been recovered by Noida Sector 20 Police in FIR No. 777/1997 and the Maruti Van UP-14A 8634 was recovered from the possession of Virender in FIR No. 258 of 1996 under Sections 25/54/59 Arms Act.

RECOVERY OF ARTICLES

26. SI Bahadur Singh was examined as PW48. He has deposed that on 16.09.1997 accused Tej Singh, Shishu Pal and Virender (Appellant herein) were apprehended in FIR Nos.777/97 and 778/97 and they made disclosure statements. He further deposed that in pursuance to the disclosure statements, the following recoveries were made: -

- (i) Iron Rod i.e. Ex.PW 48/A
- (ii) Desi Katta of .315 bore i.e. Ex.PW48/B
- (iii) Desi Revolver of .38 bore i.e. Ex. PW48/C

27. The recoveries effected were in pursuance to the joint disclosure

statement i.e. Tej Singh, Shishu Pal and Virender. The said admission on the part of PW-48 is reproduced as under:-

"We had reached Khora colony at about 2.00 a.m.

All three accused i.e. Tej Singh, Shishu Pal and Virender had collectively pointed out towards room of Jaipal."

It is an admitted fact coming on record that Shishu Pal is not a party to the present proceedings.

28. As per the statement of PW-48 the disclosure statement is a joint statement. The statement of PW-48 does not disclose who disclosed what and who exactly recovered what at the manufacturing factory of Jai Pal.

29. Further, the alleged recovery shown in the instant case is from the room of one Jaipal where Jaipal along with his co-worker Surender was already present and the owner of the room Jaipal when he saw the police party approaching the room, ran away. The alleged room was opened and found in possession of Jaipal and Surender were Tamancha, Aari, blower, etc. The recovery of incriminating articles is alleged to be recovered from a thaila which was opened in the room/factory. The owner of the room was one Ramphal who was also arrested. The recovery memo Ex. PW-48/B shows that the recovery was effected at the behest of Virender, Shishu Pal, Tej Singh.

30. It is a further fact coming on the record that all the accused persons except Sanjay Rathore were arrested in case FIR No.777/1997 dated

16.09.1997 of PS-Sector-20, Gautam Budh Nagar, Noida, U.P. The alleged recovery memo Ex.PW-48/B shows that the alleged recovery was effected on the behest of Virender, Shishupal, and Tej Singh.

31. The FIR No.777/97 is an independent FIR and the same has to be dealt with separately in the competent court of jurisdiction.

32. The appellant-accused Virender is stated to have been arrested on 28.06.1996 in FIR No.258/1996, under Section 25/54/59 Arms Act, registered at PS-Krishna Nagar. As per the IO K.P.Singh (PW-75) he did not find any incriminating evidence qua the appellant-accused between 04.09.1998 to 25.07.2000. The said admission is reproduced as under:

"Between the period 4.9.98 till 25.7.2000, I had not found any incriminating evidence against any of the accused persons except Sanjay Rathore and Alka."

33. The appellant-accused despite remaining in the police custody on 28.06.1996 and on 16.09.1997 in FIR No.258/1996 and in FIR No.777/1997 respectively has not made any disclosure statement of commission of offence in the present case i.e. (RC.3(S)/98/SCB-II/DLI dated 04.09.1998 registered by the CBI under Sections 302/316 IPC on 04.09.1998 till 26.07.2000) which raises doubt on the version of the prosecution whether the disclosure alleged to be made in the present case is in fact a disclosure made by the appellant-accused.

34. Admittedly the IO K.P.Singh (PW-75) during his cross-examination has admitted that he has not found any incriminating evidence against any accused persons from 04.09.1998 till 25.07.2000. The alleged recovery in the instant case brings nothing except the recovery alleged to be made in two FIRs viz. FIR No.258/1996 dated 28.06.1996 and FIR No.777/1997 dated 16.09.1997. The recovery of iron rod, country made revolver and desi katta alleged to be got effected from the manufacturing factory of arms and ammunitions of Jaipal was already in the knowledge of the prosecution, therefore, the alleged recovery does not inspire confidence within the meaning of Section 27 of the IEA.

WEAPON OF OFFENCE

35. The prosecution has relied upon the weapon of offence in the instant case to be Iron Rod (Ex.PW 48/A), Desi Katta of .315 bore (Ex.PW48/B) and Desi Revolver of .38 bore (Ex. PW48/C). The disclosure statement of the appellant-accused Ex.PW-46/B dated 26.07.2000 and pointing out memo Ex.PW-61/A does not ipso facto reveal using of weapons of offence Ex.PW 48/A, Ex.PW48/B and Ex. PW48/C on the date of incident by the appellant-accused. The said weapons of offence were already seized in FIR Nos.777/1997 and 258/1996.

36. There is no evidence coming on record that the weapons of offence Ex.PW48/A, Ex.PW48/B and Ex.PW48/C were in exclusive domain of any of the accused persons. The alleged recovery is shown from an open room of one Jaipal where the factory of arms and ammunition was running and was accessible to all. Therefore, the prosecution has failed to discharge its onus

of recovery within the meaning of Section 27 of the Indian Evidence Act.

RECOVERY OF MARUTI VAN

37. The prosecution has examined SI Laxman Singh (PW-55). It is an admitted case that the Maruti Van is alleged to be recovered in FIR No. 258/1996. It is also an admitted fact coming on record that the appellant-accused has not made any disclosure in the said case pertaining to the present FIR i.e. Case RC.3(S)/98/SCB-II/DLI dated 04.09.1998 registered by the CBI. PW-55 has further admitted that the appellant-accused was acquitted in the aforesaid FIR. The said admission is reproduced:-

"It is correct that as per FIR registered the accused in case FIR 258/1996 PS Krishna Nagar has been acquitted by the Ld. Trial Court due to want of evidence."

38. The alleged subsequent disclosure, i.e. after the incident, alleged to be made by the appellant-accused gives colour of creation by the prosecution and the same does not inspire confidence. The appellant-accused too is acquitted in the aforesaid case i.e. FIR 258/1996 PS Krishna Nagar.

39. The appellant-accused in his statement under Section 313 Cr.P.C has pleaded innocence and denied his involvement in the commission of offence.

MEDICAL EVIDENCE

40. Dr.Ariniya Jain (PW-31) has proved the MLC of deceased Veena and the post-mortem report of deceased Veena is Ex.PW-29/A which is proved

by Dr.Ashok Jaiswal (PW-29). The external injury on the person of deceased Veena is reproduced:

- i. An oval punctured wound on left upper abdomen just below costal margin placed 5" away from midline, 16 cm above umbilicus at 2 O clock position, 12 " below junction of middle and lateral third of left clavicle. Its size was 0.5 cm x 0.8 cm x? with collar of abrasion 1 to 2 millimetre around it, the margins were inverted, no blackening burning or tattooing seen around it (Entry wound).*
- ii. There was stitched wound on left temporoparietal region 3 1/2 " long almost transversely placed scalp hair found to be completely shaved. On removing the stitches and irregular lacerated margins could be seen, the shape of which is drawn in PM report at point A. There was no blackening or tattooing seen around it.*
- iii. Extensive irregular defused bruise on left arm and anlateral aspect on upper middle portion of left arm of size 6" x 2" - 2 1/2 inch. Upper and lower lid showed ecchymosis. No other external injury seen on body.*

41. The deceased Veena died within 9 hours from the time of incident. As per the post-mortem report Ex.PW-29/A, the cause of death was opined as:

- ".....(i) All injuries were antimortem in nature.*
- (ii) Injury No.1 is caused by fire arm projectile and is the entry point fired from distant range and direction of fire was from left to right.*
- (iii) Injury No.2 was surgically intervened wound caused by blunt object.*
- (iv) Injuries No. 3 & 4 were caused by blunt object/force.*

(v) Death was due to hemorrhagic shock associated with craniocerebral injuries....."

42. Hence, as per the post-mortem report Ex.PW-29/A, the cause of death of Veena is homicidal in nature.

MOTIVE

43. The version put forward by the prosecution is that accused Sanjay Rathore was having an affair with accused Alka and wanted to eliminate his wife Veena (deceased) and hence hatched a conspiracy and ultimately committed the murder of deceased Veena on 27.04.1996. In order to prove its case, the prosecution has examined 75 witnesses. The prosecution has also relied upon a letter (Mark J). The letter (Mark J) is stated to be written by appellant-accused Virender. The letter (Mark J) names involvement of one Kishan Chand behind the commission of murder. It is pertinent to note herein that Kishan Chand has neither been cited as an accused nor examined as a witness by the prosecution. The prosecution is silent about the role of Kishan Chand. No investigation has been made to find the role of Kishan Chand.

44. The conduct of accused Sanjay Rathore immediately after the incident is an important aspect. It must also be noted that accused Sanjay Rathore took his wife Veena (deceased) to hospital. The accused Sanjay Rathore himself suffered injuries. Dr.Arinjiya Jain (PW-31) has deposed that she examined Sanjay Rathore (accused) on 27.04.1996. She has further deposed that the patient Sanjay Rathore (accused) was brought to the hospital "*with alleged*

history of having been assaulted by some persons." Dr.Arinjiya Jain (PW-31) has proved the MLC as Ex.PW-31/B. A perusal of MLC (Ex.PW-31/B) reflects that the injuries received by accused Sanjay Rathore were opined as "*dangerous*". Had the motive of accused Sanjay Rathore been to kill Veena, he would not have taken her to hospital. Therefore it would be unsafe to reach the conclusion that it was accused Sanjay Rathore who hired the appellant-accused Virender for committing murder of the deceased.

45. In the facts and circumstances discussed above, nothing incriminating has been proved by the prosecution qua against the appellant-accused to bring home his guilt beyond reasonable doubt. Mere suspicion is not enough to bring home the guilt of the accused. In this context, the following observation of the Apex Court in ***Subhash Chand v. State of Rajasthan; (2002) 1 SCC 702*** is relevant:

"...human nature is too willing when faced with brutal crimes, to spin stories out of strong suspicions. Between may be true and must be true there is a long distance to travel which must be covered by clear, cogent and unimpeachable evidence by the prosecution before an accused is condemned a convict."

CONCLUSION

46. For all the aforementioned reasons, the appellant-accused is acquitted for the offence under Sections 302/316 IPC. The impugned judgment dated 30th September, 2014, convicting the appellant-accused for the aforesaid offences, as well as the order on sentence dated 3rd November, 2014 are hereby set aside.

47. The appeal is accordingly allowed but, in the circumstances, with no orders as to costs. Unless wanted in any other case, the appellant-accused shall be released forthwith. He will comply with the requirement of Section 437A Cr.P.C to the satisfaction of the Trial Court.

48. The trial Court record be returned together with a certified copy of this judgment to the trial Court.

I.S.MEHTA, J.

S.MURALIDHAR, J.

JANUARY 24, 2018

