

AFR

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRA No. 123 of 1996

B. Srinu @ Bobilli Srinu & Another* *Appellants

-versus-

State of Odisha* *Respondent

CRA No. 137 of 1996

Medi Srinu @ M. Srinuwas Rao & Another* *Appellants

-versus-

State of Odisha* *Respondent

Advocates appeared in the cases:

***For Appellants* : Mr. D.P. Dhal, Senior Advocate**

***For Respondents* : Mrs. Saswata Patnaik
Additional Government Advocate**

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

JUDGMENT

20.09.2022

Dr. S. Muralidhar, CJ.

1. Both these appeals are directed against the Judgment dated 12th April 1996, passed by the learned Additional Sessions Judge, Jeypore in Sessions Case No.73 of 1993, convicting the

Appellants, i.e., the Accused No.3 (A-3), B. Srinu @ Bobili Srinu and Accused No.1 (A-1), B. Govinda @ B. Govinda Rao (in CRA No.123 of 1996) and Accused No.2 (A-2), Medi Srinu @ M. Srinivas Rao and Accused No.4 (A-4), Allam Umashankar Rao (in CRA No.137 of 1996) respectively for the offence punishable under Section 302 read with Section 34 of IPC and sentencing them to undergo Rigorous Imprisonment (RI) for life. In addition to the sentence for imprisonment for life, Umashankar Rao (A-4) was also convicted for the offence punishable under Section 324 of IPC and was sentenced to undergo RI for six months.

2. At the outset, it must be mentioned that six persons were sent up for trial in the aforementioned Sessions case for causing the death of one Basa @ Bhaskar Rao by means of knives and other weapons in furtherance of their common intention.

3. It must be noticed here that while the Appellant No.2, B. Govinda @ B. Govinda Rao (in CRA No.123 of 1996) was enlarged on bail by an order dated 23rd July, 1996, the Appellant No.1, B. Srinu @ Bobili Srinu (in CRA No.123 of 1996) was enlarged on bail by an order dated 1st October, 2004. Further, the Appellant No.2, Allam Umashankar Rao (in CRA No.137 of 1996) was enlarged on bail by an order dated 23rd July, 1996 and the Appellant No.1, Medi Srinu @ M. Srinivas Rao (in CRA No.137 of 1996) was enlarged on bail by an order dated 1st October, 2004.

Case of the prosecution

4. The case of the prosecution is that the families of the deceased Basa @ Bhaskar Rao and the families of the accused Govinda Rao had inter-se disputes between them two or three days prior to the incident. On account of such ill-feeling, the accused Govinda, his brothers and friends were giving threats to kill the deceased.

5. On 10th February, 1993 at around 9 pm, outside the Clinic of one Dr. Y.R. Rao on the main road, the deceased, the informant B. Purna Chandra Rao (PW-1) and one Konchada Srinu (PW-2) were talking to each other. At that time, the accused Medi Srinu (A-2) armed with a knife, accused Allam Umashankar Rao (A-4) armed with a ploughshare, accused Bobili Srinu (A-3) being armed with a spring knife and B. Govinda Rao (A-1) armed with an iron chain, appeared before them and started picking up a quarrel. A-2 was stated to have stabbed the deceased on the abdomen and chest, while A-3 was stated to have stabbed the deceased on the chest. A-1, winding the iron chain around his hand, gave a fist blow on the face of the deceased and A-4, while attempting to assault the deceased by means of the ploughshare, was obstructed by PW-1, who was then hit on his right shoulder and suffered an injury. On account of the above assault, the deceased fell down on the ground with bleeding injuries.

6. Konchada Srinu (PW-2) and one T. Suresh Kumar (PW-11) rushed the deceased to the Rayagada Government Hospital by a scooter. However, the deceased died on the way.

7. Bibhudendu Kumar Aich (PW-13), the Investigating Officer (IO), attached to the Rayagada PS as Sub-Inspector, was present at the Police Station (PS) on 10th February, 1993 at around 9.30 pm, when PW-1 appeared there and orally reported to him about the occurrence. He noted that one Gangadhar Patra (PW-3) had accompanied PW-1 to the PS. He reduced the information to writing and registered an FIR and took up the investigation. PW-1 was sent for medical examination.

8. On the following day, i.e., 11th February, 1993 at around 8.20 am, he held an inquest over the dead body of the deceased. He visited the spot, seized the blood-stained earth, sample earth and at 3.00 pm, he arrested the aforementioned accused persons, A-1, A-2, A-3 and A-4 and examined them.

9. A-3 was stated to have made a statement while under arrest and led the IO and witnesses to a drain on the eastern side of the PS and got a knife recovered. A-1 got recovered an iron chain from a Nala. A-4 gave recovery of a ploughshare from the said Nala. A-2 also got recovered a knife from that Nala.

10. On 12th February 1993, the IO seized the wearing apparels of the accused and their nail-clippings were also collected. On the same day, the postmortem report of Dr. M.K. Sagar (PW-7) was received. On completion of the investigation, a charge sheet was laid against the present four Appellants and two others for the offences punishable under Sections 302 read with Section 34, 324 and 120-B of IPC. The accused persons pleaded not guilty and claimed trial.

11. On behalf of the prosecution, as many as thirteen witnesses were examined and five witnesses were examined on behalf of the defence.

Judgment of the trial Court

12. The trial Court noted that there are two eye-witnesses to the occurrence. One was the informant (PW-1) and the other was Konchada Srinivas Rao (PW-2). One M. Iswar Rao (PW-4), who owned a saloon near the spot, was also projected as an eye-witness. It was held that there was nothing substantial brought out during the cross-examination of PWs-1, 2 and 4 to render their statements to be unworthy of credit. Their testimonies were corroborated by the evidence of PW-5, who examined PW-1 and opined that the abrasion 1/2" X 1" over the right shoulder joint could be caused by the ploughshare (M.O.II). The injuries found by PW-7 on the deceased also corroborated their version.

13. As regards the Chemical Examination (CE) report, the trial Court concluded that the existence of Group 'A' human blood on the wearing apparels of the deceased and on the wearing shirt of A-4, Umashankar Rao, confirmed the presence of A-4 at the spot. The trial Court also noted that on the previous day, i.e., 8th February, 1993 at around 9 pm, A-1 was abusing the family members of the deceased, to which the deceased protested. The four accused persons tried to assault him, but, through the intervention of PW-1 and others, the situation was tackled and nothing untoward happened. Again, on 9th February, 1993 at around 1.30 pm, the said four accused persons picked up a quarrel with the deceased but, with the intervention of one Yeddu Srihari, a resident of their sahi, the situation was saved. On the same day at around 9 pm, the four accused persons again threatened to kill the deceased. All this showed their active participation in the commission of murder of the deceased.

14. The trial Court then analyzed the evidence of the defence witnesses, who have tried to prove that the deceased was killed by four persons from Kalahandi district and about each of the accused persons being at a different location. Their evidence was disbelieved by the trial Court after noting that this defence was introduced at a different stage and there was no reason why the people of Kalahandi would attempt to commit the murder of the deceased in his own locality. The clear testimonies of PWs-1, 2 and 4 clinched the case of the prosecution against the accused

persons. However, the trial Court found that apart from the four accused, there was nothing to show that the remaining three accused had participated in the crime or that all the accused had met together and conspired to commit the crime. Therefore, the charge against all the accused persons under Section 120-B of the IPC was held to have failed.

15. The trial Court also dealt with the correction of the date from “11” to “10” in the FIR (Ext-1) below the signature of PW-1. It was sought to be contended that Ext-1 was actually drafted on 11th February 1993 and Ext-1 was a substitution of the original, which had been suppressed. The trial Court held that simply because the date had been corrected from “11” to “10”, it could not be said that the FIR was lodged on 11th and not on 10th. In the testimonies of PWs-1, 3 and 13, it was explained that Ext-1 was in fact lodged on 10th February, 1993 at 9.30 pm at the PS.

16. As regards the recovery of the weapons, since it was not based on the basis of the statements made by the accused persons under Section 27 of the Evidence Act, the trial Court held that it amounted to their subsequent conduct, relevant for the purposes of Section 8 of the Evidence Act and as such it was admissible in evidence.

17. The trial court did not accept the plea of the defence that the non-examination of certain independent witnesses, like Tirumal

Pattanaik, Pitla Ramesh and non-production in evidence of a paper seized from the pocket of the deceased and handed over to the IO was fatal to the case of the prosecution. The trial Court accordingly concluded that the prosecution had proved the case against the four accused- Appellants beyond all reasonable doubt for the offence punishable under Section 302 read with Section 34 of IPC and further that A-4 was in addition guilty of the offence punishable under Section 324 of IPC. The trial Court then sentenced them in the manner indicated hereinbefore.

18. This Court has heard the submissions of Mr. D.P. Dhal, learned Senior Counsel appearing for the Appellants and Mrs. Saswata Patnaik, learned Additional Government Advocate (AGA) for the State.

Submissions on behalf of the Appellants

19. Mr. D.P. Dhal, learned Senior Counsel for the Appellants submits as under:

(i) In view of the past enmity between the families, the element of false implications, embellishments and exaggerations were likely and, therefore, the evidence of the PWs had to be scrutinized with greater care and caution by the Court.

(ii) The oral report of PW-1 to the IO (PW-13) was translated into Oriya by PW-3 and then drawn up. The date under the signature

of PW-1 was corrected from '11.02.1993' to '10.02.1993'. There should be no overwriting in a document of such importance and if at all such correction was made, it had to be initialled and attested. Since there was no convincing explanation offered by the prosecution for the correction of the date, it should be inferred that the FIR was actually drawn up on 11.02.1993, more than 24 hours after the occurrence. Reliance was placed on the deposition of PW-3 in this regard. It is submitted that the original FIR was suppressed and in its place, some other document was substituted. The General Diary was not produced in the Court. It is possible that the original FIR did not contain the name of the present Appellants.

(iii) PW-1 had stated that there was a power cut from 7.30 to 8.30 pm on the date of the occurrence. PW-11, in his cross-examination, admitted not remembering if the electric light was burning. If the occurrence did take place in the dark, none of the Appellants could have been clearly seen by PW-1.

(iv) The prosecution ought to have laid evidence as to the time of arrival of the deceased at the hospital, since it was alleged that immediately after the occurrence, he was taken to the hospital.

(v) The IO, on the strength of statements made by the accused persons while in custody, is stated to have recovered the weapons. Those statements ought to fall in the ambit of Section 27 of the Evidence Act. However, the case record does not mention any

such statement in verbatim of the accused or of the seizure list prepared under Section 27 of the Indian Evidence Act. The statement of the accused formed the core of the “leading to discovery” in terms of Section 27. Therefore, the whole seizure must fail. Reliance is placed on the decision in *Aiban Munda v. State 1987 (1) Crimes 334*. Reliance is also placed on the decision in *Bibhishan @ Mutru Mahanta vs. State of Orissa 1988 (11) Crimes 533 Orissa*.

(vi) Further, the evidence of PW-13 was silent on what happened to the weapons, which were kept under his custody between 11th February 1993 when they were seized and 10th May, 1993 when those were sent for chemical examination. Further, the chemical examination report itself was dated 16th December, 1993, i.e., seven months after the alleged articles were sent for chemical examination. Although it showed the presence of blood-stained marks on the articles, it was silent on the extent of blood-stains on it. Reliance is placed on the decision in *Prabhu Babaji Navle v. State of Bombay AIR 1956 SC 51* as further noted by this Court in *Nimai Murmu v. State 59 (1985) CLT 488*.

(vii) There was no evidence to show how the clothes of the Appellants, the deceased or the MOs had been preserved after the seizure. The prosecution had to prove that these articles were not been tampered with till they were sent for chemical examination. In the absence of such precaution, it should be presumed that at a

later stage, human blood had been put on the articles to implicate the accused persons. Reliance is also placed on the judgment dated 21st June, 2019 of the Bombay High Court in ***Sachin v. State of Maharashtra*** (Criminal Appeal No.248 of 2016).

(viii) Although, according to the prosecution, there were several persons present at the spot, including the persons like Tirumal Pattanaik and Pital Ramesh, for reasons best known to the prosecution, no effort was made to examine such independent witnesses. Reference was made to certain portions of the deposition of B. Gangadhar Rao (PW-12), the father of the deceased, particularly regarding the mother of the deceased having gone to the PS to inform about the murder of the deceased. It is submitted that non-examination of the mother as well as non-examination of the independent witnesses should lead to the conclusion that the prosecution had suppressed the material witnesses.

(ix) Reference is also made to the deposition of PW-6, the brother of the deceased, about a paper being seized from the pocket of the deceased by the Police. Apparently, PW-6 also stated that he had handed over a letter to the Police which was given to his mother by the deceased. In addition to the above, PW-12 was also stated to have said that the deceased had kept a piece of paper mentioning the names of the accused persons in his pocket and that had been recovered by the Police. The prosecution has

suppressed the paper as it did not suit the prosecution and this raised a serious doubt on the bonafides of the prosecution case.

(x) Under Section 313(1)(b) Cr.P.C., it was mandatory for the trial Judge to put to the accused every piece of evidence which appeared incriminating against the accused and the reply of the accused had to be sought thereto. Reliance is placed on the decision in *Ajay Singh v. State of Maharashtra AIR 2007 SC 2188*. No question had been put to A-1 and A-2 as regards the chemical examination report (Ext-19) and even the Question No.27 put to A-3 in that regard was erroneous.

(xi) The dead body of the deceased was identified before PW-7 by Constable B. Das, who had not been examined by the prosecution. In the circumstances, the postmortem report could not be said to be connected with the deceased. Reliance is placed on the decision in *Herbetus Oram v. State 37 (1997) CLT 477*.

(xii) Relying on the decisions in *Lakshmi Singh v. State of Bihar (1976) 4 SCC 394* and of this Court in *Gedu alias Parameshwara Patra v. State of Odisha (2016) 65 OCR 159*, it is urged that graver the crime, the higher the degree of proof required and that in this case, the prosecution had completely failed to prove the case against the accused.

(xiii) The Case Diary (CD) was not properly maintained by PW-13 and had not been sent along with the forwarding report of the accused persons. Under Exhibits-A and B, the reports of the accused persons were forwarded on 12th February 1993, and 26th February 1993, respectively. Reference was made to the letters written by the learned ADJ, Jeypore to the IIC for submission of the upto date CD on several dates. The upto date CD and PM report were received only on 25th March, 1993. The IO had wrongly denied that he had not sent the CD while forwarding the accused persons to the Court. The CD was manipulated to suit the prosecution case and was in clear violation of Sections 167 and 172 of the Cr PC. Reliance is placed on the decision in ***In re Burla Jayarami Reddi AIR 1957 AP 561*** as well as the decisions in ***Amar Singh v. State NCT of Delhi 2020 (2) OLR SC 908*** and ***Sevi v. State of Tamil Nadu AIR 1981 SC 1230***.

Submissions on behalf of the State

20. Mrs. Saswata Patnaik, learned AGA, on the other hand, supported the judgment of the trial Court and submitted that this was a case based on direct evidence of the injured eye-witness which had to receive the highest degree of consideration. Reliance is placed on the decisions in ***Abdul Sayeed v. State of Madhya Pradesh (2010) 10 SCC 259*** and ***Sadakat Kotwar and another v. State of Jharkhand (2021) SCC OnLine SC 1046***.

21. Ms. Patnaik also submitted that the inconsistencies in the testimonies of some of the other witnesses were not on the material aspects and did not affect the case of the prosecution. The testimony of the injured eye-witness has been fully corroborated by the medical evidence and was sufficient to bring home the guilt of the accused persons.

22. Ms. Patnaik submitted that the recoveries made of the weapons, constituted admissible evidence in terms of Section 8 of the Evidence Act, even if it did not amount to recovery pursuant to the statements made under Section 27 thereof. In a case of direct evidence, the evidence as to recoveries, non-adducing of evidence regarding custody of the seized articles, did not have much significance. Even the non-submission of the CD promptly, was not shown to have caused any severe prejudice to the accused persons.

Analysis and reasons

23. The above submissions have been considered. The Court takes up for consideration first the evidence of PW-1, the injured eye-witness who also happens to be the brother of the deceased. He clearly stated how the houses of the deceased as well as the accused persons were both at the Yeddu Sahi and after closing the shop at around 9.15 pm, on the main road in front of the clinic of Dr. Y.R. Rao, the deceased, PW-1 and Konchada Srinu (PW-2) were talking with each other when the four accused persons came

towards them from the lanes. There was an exchange of words in regard to the incident of the previous day. He explained in detail, consistent with what was stated in the FIR, about the four accused persons attacking the deceased on the chest, abdomen, causing severe bleeding injuries. When A-4 tried to assault the deceased with a ploughshare, PW-1 raised his hand and the ploughshare then hit him on the right shoulder causing a bleeding injury. Thereafter, PW-2 and one T. Suresh (PW-11) took the deceased to the hospital by a scooter.

24. There was extensive cross-examination of this witness by each of the accused persons. Even Mr. Dhal was unable to point out any part of the said cross-examination, which could even remotely help the case of the accused-Appellants. In other words, this witness stood firm on how the crime had taken place and clearly implicated all the four accused persons in great detail. Importantly, this witness was asked about the change in the date while signing the FIR and he said he did not make any correction of the date and, therefore, did not put any signature thereunder. He clearly stated, “It is not a fact that Ext-1 was not written and prepared during the night of 10.02.93”.

25. At this stage, it is necessary to recapitulate the law in relation to the evidence of an injured eye-witness. In ***Surjit Singh alias Gurmit Singh v. State of Punjab 1993 Supp (1) SCC 208***, it was explained that an injured eye-witness is a natural witness and the

testimony of such witness deserves weight. In ***State of M.P. v. Mansingh (2003) 10 SCC 414***, it was explained that:

“9. The evidence of injured witnesses has greater evidentiary value and unless compelling reasons exist, their statements are not to be discarded lightly.”

26. In ***Brahm Swaroop and another v. State of Uttar Pradesh (2011) 6 SCC 288***, the legal position was summarized as under:

“28. Where a witness to the occurrence has himself been injured in the incident, the testimony of such a witness is generally considered to be very reliable, as he is a witness that comes with an in-built guarantee of his presence at the scene of the crime and is unlikely to spare his actual assailant(s) in order to falsely implicate someone. “Convincing evidence is required to discredit an injured witness.” (Vide *State of U.P. v. Kishan Chand (2004) 7 SCC 629*, *Krishan v. State of Haryana (2006) 12 SCC 459*, *Dinesh Kumar v. State of Rajasthan (2008) 8 SCC 270*, *Jarnail Singh v. State of Punjab (2009) 9 SCC 719*, *Vishnu v. State of Rajasthan (2009) 10 SCC 477*, *Annareddy Sambasiva Reddy v. State of A.P. (2009) 12 SCC 546* and *Balraje v. State of Maharashtra (2010) 6 SCC 673*)”.

27. This was reiterated by the Supreme Court in ***Ramvilas v. State of Madhya Pradesh (2016) 16 SCC 316*** and in ***Sadakat Kotwar v. State of Jharkhand (2021) SCC OnLine SC 1046***. In the considered view of the Court, the evidence of PW-1 in the present case is of unimpeachable quality. Further it has received corroboration from the medical evidence of PW-7, who found the following external and internal injuries on the deceased:

“External Injuries:

- 1) A spindle shaped piercing wound 2" above and lateral to left nipple. Size of the injury was 1" x 1/2" depth upto the middle of the chest,
- 2) A spindle shaped piercing wound 1" x 1" depth 2" right to the ziphi sternum. The injury was travelling upwards into the chest,
- 3) A spindle shaped piercing wound over the middle of the costal margin travelling towards the middle of the abdomen.

Internal Injuries:

- 1) Punctured wound of the right lung corresponding to external injury No.2,
- 2) Punctured of the upper lobe of the left lung corresponding to injury No.1,
- 3) Punctured of anterior surface of the stomach and puncture of the large intestine in the middle. These correspond to external injury No.3.
- 4) There was subdural bleeding.
- 5) Mouth was full of blood.”

28. PW-7 further opined that the cause of death was on account of injuries to the vital organs like intestine, lungs, stomach and head. Again, there was no effective cross-examination of this witness to bring out any aspect that could even remotely help the case of the defence.

29. The Court has carefully examined Ext-1 and the so-called interpolation of the date occurring in one place, where it appears that the figure “11” has been corrected as “10”. Since much has been made of this by Mr. Dhal, it is necessary to reproduce the relevant portion of the deposition of PW-3 which reads as under:

“On a plain white paper, the FIR was scribed by the OIC while P.W 1 described about the occurrence before him on 10th night. Nothing was printed on that white paper. The FIR was not drafted on any other paper first. On both the sides of the white paper, the contents of the FIR extended.”

30. However, on a perusal of the entire document, it does not appear to be what the Appellants are making it out to be – viz., that there was a substitution of an original FIR with a later written up one. As pointed out by the trial Court, it is clear from the deposition of PWs 1, 3 and 13, that Ext-1 was in fact lodged on 10th February 1993 at 9.30 pm. The so-called admission made by him as regards the FIR has to be seen in light of the above depositions of PWs 1 and 13 as well. The Court is not impressed with the arguments that somehow the original FIR was suppressed on account of this change in the date from “11” to “10” in one place in the FIR without initials of PW-1 below such change. It appears that while the correction may have been made, the non-initialling of such correction was inadvertently not made.

31. The Court is also not impressed about any doubt having been created about the time of the occurrence. What has been stated by PW-1, receives full corroboration from PW-2, who again has not been subjected to any serious cross-examination so as to doubt his credibility. PW-3 also has spoken about the incident of 8th and 9th February, 1993, which supplies the motive for the crime during the previous enmity and quarrels between the deceased and the accused.

32. As such, the prosecution has been able to establish that the four accused persons came there with an intention to kill the deceased being armed with deadly weapons. The Court is not impressed with the argument that there is any doubt created as to the time of the occurrence in view of the contemporaneous evidence of PWs-1 and 2 and the evidence of PW-3 which says that around 9.10 pm, a boy came to him and informed him that the deceased had been assaulted and removed to the hospital.

33. On the aspect of the seizures of the weapons, while it may be true that this could not be strictly termed as recoveries in terms of Section 27 of the Evidence Act, as explained in *Aiban Munda v. State 1987 (1) Crimes 334* and *Bibhishan @ Mutru Mahanta v. State of Orissa (supra)* it is not even the prosecution case that they should be viewed as such. These were certainly admissible as evidence under Section 8 of the Evidence Act, since it happened soon after the occurrence. In this context, the decision in *Shayam*

Nandan Singh v. The State of Bihar 1991 CriLJ 3350 is relevant.

34. In a case of direct evidence, where there is unimpeachable evidence in the form of an injured eye-witness, the delay in sending the exhibits for chemical examination or the failure of the prosecution to examine to explain that they were free from tampering while in custody of the Police, does not have much significance. Consequently, the Court does not find the decisions in *Prabhu Babaji Navle v. State of Bombay (supra)*, *Nimai Murmu v. State (supra)*, *Manju @ Mohan Das v. State (supra)* and *Sachin v. State of Maharashtra (supra)* to be of much assistance to the accused.

35. As regards the identification of the dead body of the deceased, in his chief examination, PW-7 states that "the dead body was identified to me by C/1729, B. Das". There is no follow-up question put to PW-7 on this aspect in the cross-examination. Also, the IO too was not asked any question about non-examination of B. Das. This does not automatically mean that the postmortem was of some other dead body and not of this deceased. The Court does not see any relevance of the decision in *Herbetus Oram v. State (supra)* as far as the present case is concerned.

36. Again, as regards the questions put to the accused under Section 313 Cr PC, the Court finds that no serious prejudice is shown to have been caused to the accused since the clinching piece of evidence against them was that of the deposition of PW-1, which has been put to them in full measure. The Court, therefore, does not find the decision in *Ajai Singh v. State of Maharashtra* (*supra*) to be of much relevance in the facts and circumstances of the present case.

37. The Court has carefully perused the correspondence between the learned ADJ and the IIC as regards the CD and that there was perhaps some delay in the CD being forwarded. However, it does not appear that these documents were in fact put to the IO during his cross-examination to seek his explanation. It is perhaps too late in the day at the stage of arguments in the trial Court with no explanation being called for from the witness PW-13, while he was in the witness box, for the accused to be able to be take advantage of.

38. The Court is conscious of the observations of the Supreme Court in *Lakshmi Singh v. State of Bihar* (*supra*) that graver the crime, the higher should be the degree of proof. The observations of this Court in *Gedu alias Parameshwara Patra v. State of Odisha* (*supra*) are also to the same effect.

39. In the present case, the Court is satisfied that the evidence laid by the prosecution has brought home the guilt of the accused beyond all reasonable doubt for the crime of murder of the deceased by the four of them with the deadly weapons on the vital parts of his body.

40. Consequently, the Court is not satisfied that any ground has been made out by any of the Appellants for interference with the impugned judgment of the trial Court.

41. The appeals are accordingly dismissed but, in the circumstances with no order as to costs. The bail bonds of the Appellants are hereby cancelled. They are directed to surrender forthwith and, in any event, not later than 3rd October, 2022 failing which, the IIC of the concerned police station shall take immediate steps to have apprehended them and sent them to custody to serve out the remainder of their sentence.

(S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

S. Behera/ Jr. Steno.