

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRA-D-1171-DB-2010
Reserved on: 15.12.2022
Date of decision: 20.12.2022

DARSHAN SINGH @ LABHU AND ANOTHER ...Appellants

Versus

STATE OF PUNJAB ...Respondent

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Chandan Singh Rana, Advocate
for the appellants (Amicus Curiae).

Mr. Sandeep Kumar, DAG, Punjab.

SURESHWAR THAKUR, J.

1. Through the impugned verdict made on 22.09.2010, upon Sessions Case No.RT No.22 of 23.02.2010/03.01.2007, the learned Sessions Judge, Sri Muktsar Sahib, proceeded to, in respect of charges drawn for offences punishable under Sections 458, 302, 380, 34 of the IPC, hence make a verdict of conviction, upon, the convicts/appellants. Moreover, through a separate sentencing order of even date, the learned trial Judge concerned, proceeded to impose upon the convicts (supra), both sentence(s) of imprisonment as well as of fine, but in the hereinafter extracted manner :-

“I) Under Section 302 IPC read with Section 34 IPC qua murder of Surjit Kaur

The convicts Darshan Singh and Manjit Singh are sentenced to life imprisonment under Section 302 IPC read with Section 34 IPC each for committing murder of Surjit Kaur and fine of Rs.3,000/- is also imposed on each of them thereunder and in default of payment

thereof each of them shall further undergo one year's rigorous imprisonment.

II) Under Section 302 IPC read with Section 34 qua murder of Kulwinder Singh

The convicts Darshan Singh and Manjit Singh are sentenced to life imprisonment under Section 302 IPC read with Section 34 IPC each for committing murder of Kulwinder Singh and fine of Rs.3,000/- is also imposed on each of them thereunder and in default of payment thereof each of them shall further undergo one year's rigorous imprisonment.

III) Under Section 458 IPC read with Section 34 IPC

The convicts Darshan Singh and Manjit Singh are sentenced to seven years' rigorous imprisonment each for the offence under Section 458 IPC read with 34 IPC and to pay fine of Rs.2000/- thereunder and in default of payment of fine each of them shall further undergo six months' rigorous imprisonment.

IV) Under Section 380 IPC read with Section 34 IPC

The convicts Darshan Singh and Manjit Singh are sentenced to four years' rigorous imprisonment each for the offence under Section 380 IPC read with Section 34 IPC and to pay fine of Rs.1000/- each and in default of payment of fine, each of them shall further undergo three months' rigorous imprisonment.”

However, the above sentence(s) were ordered to run concurrently.

2. Both the convicts (supra) become aggrieved from the above made verdict of conviction, besides become aggrieved from the consequent therewith sentence(s) (supra), as became imposed upon both of them, thus they are led to institute thereagainst the instant appeal (supra) before this Court.

FACTUAL BACKGROUND

3. The genesis of the prosecution case is embodied in the FIR to which Ex.PW8/B is assigned, thereins, it is narrated that on 29.09.2006, the police party headed by SI Gurjant Singh of Police Station Sadar Malout comprising ASI Kabal Singh and others was present at bus stand Bodiwala at about 7:00

a.m., in connection with patrol duty in government gypsy being driven by PHG Chhinder Pal Singh. That one Sharandeep Kaur widow of Kulwinder Singh alias Laddi resident of village Bodiwala Kharak Singh accompanied by one Baldev Singh son of Jagtar Singh came there. That Sharandeep Kaur made her statement before SI Gurjant Singh on 29.9.2006, by stating that she was resident of village Bodiwala Kharak Singh. That she was married to Kulwinder Singh alias Ladi about 1½ years ago. That her husband has two other brothers and Manjit Singh is the eldest of them, who resided at village Bodiwala and the next to him is Darshan Singh and the family of the complainant resided in the fields by constructing their house. That her father-in-law Ajaib Singh died about three months ago. That there were four killas of land in the name of her mother-in-law Surjit Kaur. That her father-in-law partitioned the land in equal shares in favour of his three sons during his life time. That the mother-in-law of the complainant Surjit Kaur resided with the family of complainant's husband Kulwinder Singh and the complainant side cultivated the land of her share. That both the elder brothers of her husband Manjit Singh and Darshan Singh picked up quarrels with the husband of complainant Kulwinder Singh over this matter. That yesterday in the evening, Avtar Singh the brother of complainant Sharandeep Kaur came to see her at her in laws house. That they were talking to each other after taking meals there. That the lights were glowing inside and outside the house. That at about 9:00 p.m., Darshan Singh, the elder brother of her husband Kulwinder Singh armed with Toki and Manjit Singh the elder brother of her above husband armed with toki intruded into the house of the complainant all of a sudden. That Darshan Singh raised a lalkara to teach a lesson to Kulwinder Singh, husband of the complainant, for cultivating land of more than his share. That Manjit Singh gave toki blow on the front neck portion of the husband of

the complainant and he fell down on the cot lying nearby. That Darshan Singh accused gave another toki blow on the face of her husband below his nose. That Darshan Singh accused gave two another toki blows in quick succession above the eye-brows of her husband and Manjit Singh accused gave toki blow slightly above the left eye of her husband. That they also caused more injuries to the husband of the complainant. That when the mother-in-law of the complainant Surjit Kaur charged ahead to rescue Kulwinder Singh her son, she was dragged inside by the accused. That Manjit Singh accused gave toki blow on the right side of jaw and on the mouth of the mother-in-law of the complainant Surjit Kaur whereupon she fell down on the cot. That Darshan Singh accused gave toki blow on the right side of neck of mother in law of the complainant. That they also caused other injuries to her. That the complainant and her brother Avtar Singh raised alarm not to kill them, whereupon Baldev Singh son of Jagtar Singh, nephew of the father-in-law of the complainant, who resided there, came there on the spot. That both Darshan Singh and Manjit Singh accused fled away, by taking away, the Hero Honda motor cycle of Kulwinder Singh, alongwith their respective weapons. That Kulwinder Singh husband of the complainant and her mother-in-law Surjit Kaur died on the spot on account of infliction of above referred injuries. That the cause of occurrence was that Darshan Singh and Manjit Singh accused were demanding the share of the land of Surjit Kaur, mother-in-law of the complainant, and she was not agreeing to it. That they have caused the murder of husband of complainant Kulwinder Singh and mother-in-law of the complainant Surjit Kaur by sharing common intention with each other in this regard. That the complainant side did not stir out of the house on account of fear factor at night time after this occurrence. The complainant alongwith Baldev Singh her relation went to inform the police in the morning of 29.9.2006.

That the police party headed by SI Gurjant Singh met the complainant at the bus stand of Bodiwala, where the statement of complainant Sharandeep Kaur widow of Kulwinder Singh alias Ladi since deceased was recorded by SI Gurjant Singh at 7:00 a.m., She signed her statement by admitting it as correct. That SI Gurjant Singh attested it and made his endorsement on it and sent it to the police station, whereupon ASI Gurdev Singh recorded the FIR of this case at Police Station Sadar, Malout.

INVESTIGATION

4. The case of prosecution further reveals that the police party headed by SI Gurjant Singh together with Sharandeep Kaur complainant and Baldev Singh reached the spot of occurrence on recording the statement of complainant Sharandeep Kaur. The investigating officer SI Gurjant Singh inspected the spot of occurrence. He also held the inquest report on the dead body of Kulwinder Singh alias Ladi and recorded the statements of witnesses connected therewith. He also held the inquest report on the dead body of Surjit Kaur and recorded the statements of witnesses connected therewith. The Investigating officer also prepared rough site plan in connection with inquest proceedings. He prepared the rough site plan of the place of occurrence with correct marginal notes. That the photographs of the place of occurrence were also taken by calling the photographer thereat by SI Gurjant Singh on that day. He also recorded the statements of witnesses. The investigating officer lifted the blood stained earth and plain earth nearby the dead body of Kulwinder Singh alias Ladi. He prepared the separate sealed parcels of them by sealing them with his seal impression 'GS'. They were taken into police possession by him vide memo prepared in this regard, which was attested by ASI Kabal Singh and Baldev Singh. He also lifted the blood spilt on the floor where the dead body of Surjit

Kaur lay. He prepared it into sealed parcel with his seal impression 'GS' and took it into police possession vide separate memo prepared in this regard. The dead bodies of Kulwinder Singh alias Ladi and Surjit Kaur were sent for post mortem examination through HC Gurmit Singh and HC Karamjit Singh by SI Gurjant Singh alongwith request for their post mortem examination. The investigating officer recorded the statements of witnesses on the spot of occurrence. When the police party returned to police station Sadar, Malout and reached triangular road to Fazilka, HC Karamjit Singh met the police party headed by SI Gurjant Singh and handed over the clothes of the deceased Kulwinder Singh alias Ladi and Surjit Kaur to him thereat. The investigating officer prepared the sealed parcels of them by sealing them with his seal impression 'GS'. He took them into police possession vide separate memos prepared in this regard, which were attested by HC Karamjit Singh. The case property was deposited in un-tampered condition on the same day with MHC of police station Sadar, Malout, by the investigating officer.

COMMITTAL PROCEEDINGS

5. Since the afore offences were exclusively triable by the Court of Session, thus vide committal order dated 04.12.2006 the learned Sub Divisional Judicial Magistrate, Malout, committed the accused to face trial before the Court of Session.

TRIAL PROCEEDINGS

6. The prosecution examined as many as 10 witnesses and, subsequently, the public prosecutor closed the prosecution evidence. After the closure of the prosecution case, the learned trial Judge drew proceedings under Section 313 Cr.P.C., wherein, the accused pleaded innocence, and, claimed

false implication. In defence, the learned defence counsel examined 4 defence witnesses.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE APPELLANTS

7. The learned counsel for the convicts-appellants, has made a vigorous submission before this Court that, the impugned verdict of conviction suffers from a gross taint of gross mis-appreciation and non appreciation of evidence germane to the charge. Thus, he argues that the impugned verdict be quashed and set aside by this Court.

SUBMISSIONS OF THE LEARNED STATE COUNSEL

8. Contrarily, the learned State counsel has argued that, the verdict challenged before this Court is well merited, and, does not warrant its becoming interfered with, by this Court.

CASE BASED ON OCULAR EVIDENCE

9. Two eye witnesses to the occurrence stepped into the witness box respectively, as PW-1 and PW-2. PW-1 in her examination-in-chief spoke a version in respect of the crime event, which is in complete *tandem* with her previously made statement in writing. During her examination-in-chief she further proved *qua* hers authoring Ex.PA, which resulted in registration of the FIR, in respect of the relevant crime event, and, to which Ex.PW8/B is assigned. In her examination-in-chief she had identified the accused, who were present in Court. She stated that they are her Jeth i.e., elder brothers of her deceased husband. She continues to testify that she along with her deceased husband and her mother-in-law used to reside separately at Dhani i.e. Farm house, and, that the accused Darshan Singh also used to reside with them, and again stated, that he used to reside at the Dhani adjoining to their Dhani, and, that the wall of his Dhani and that of the Dhani of PW-1, hence is common. Accused Manjit Singh

is stated by her to reside separately in the village. Her father-in-law is deposed by her to expire about three months prior to the occurrence. Her mother-in-law one Surjit Kaur is stated by her to be owner of 4 killas of land. Her father-in-law is spoken by her to divide his land equally amongst his three sons, and, that her deceased husband used to cultivate the land of his mother, but yet she speaks, that the accused, on account of the above pretext used to wrangle with them. Her brother one Avtar Singh is stated by her to have come to meet her on the day of occurrence, and, that at about 9:00 p.m., of the date (supra), when the lights inside and outside Dhani were switched on, then after taking food, when they were talking with each other, then both the accused came to the Dhani of PW-1. The accused are spoken by her to be armed with tokies. Accused Darshan Singh is spoken by her to raise a lalkara to teach a lesson to Kulwinder Singh for cultivating excess land. However, when her deceased husband is spoken by her to step forward, then accused Manjit Singh is spoken to give toki blows and which hit him on the right side of his neck, resulting in his falling on the cot which was lying nearby. Subsequently accused Darshan Singh is also spoken by her to deliver two toki blows on the face below the nose of Kulwinder Singh. Moreover, Darshan Singh is also spoken by her to deliver two toki blows on the forehead of Kulwinder Singh. In addition, accused Manjit Singh is stated by her to give another toki blow which struck the left eye of her deceased husband. However, when her mother-in-law one deceased Surjit Kaur came out from the room to save him, then both the accused are spoken to drag her inside the room, where accused Manjit Singh, is stated, to give a toki blow to his mother, and, which struck the right side of her jaw, whereas, accused Darshan Singh is also stated to strike a blow on the right side of neck of Surjit Kaur. A raula is stated to have been raised, resulting in Baldev Singh, nephew of her father-in-law, who

is stated to reside with them hence coming to the crime site, but then the accused are stated to flee from the spot on the motorcycle brand Hero Honda, as, belonging to her deceased husband. However, both injured Kulwinder Singh and Surjit Kaur are stated to succumb on the spot to their respective injuries.

ANALYSIS OF DEPOSITION OF PW-1

10. The above imputation of guilt to the accused by PW-1, an ocular witness to the occurrence may not *per-se* be sufficient, to make a finding of conviction, upon the accused, unless a deep reading of her cross-examination also unfolds that, she has neither grossly improved nor embellished, upon her previously made statement in writing, and/or, therein occur no rife *intra-se* contradictions *intra-se* the echoings made by her in her examination-in-chief, and, those made by her in her cross-examination. In that endeavour, a deepest wholesome reading of her statement, as also comprised in her cross-examination reveals, that she successfully withstood the rigor of a grilling cross-examination, whereto she became subjected. Moreover, the echoings made by her in her examination-in-chief, when openly speak about the incriminatory participation of the accused, in the relevant crime event, inasmuch as, when she speaks that the accused did not give any opportunity to her deceased husband, to pick up any weapon to save himself. Moreover, when she also speaks therein that, when the accused took her mother-in-law inside the room, in front of the persons present at the crime site, thereupon the persons available, at the crime site, did not make any attempt to save Surjit Kaur. Resultantly, with the echoings (*supra*), as made by PW-1, in her cross-examination, when remained unclarified through further suggestions, being meted to her, thus, beget an inference, that therethrough the defence rather admitting the presence of the accused, at the

crime site. Therefore, any plea of *alibi*, as became raised by the accused, does become completely benumbed.

11. PW-2 is another ocular witness to the occurrence. In his examination-in-chief he has spoken a version which is completely corroborative to the version as became echoed by PW-1. The speakings made by him in his examination-in-chief are also completely free from any taints of his grossly improving or embellishing, upon his previously made statement in writing. Moreover, a reading of his cross-examination also does not unfold that, he has therein made any echoings which are *contra* to the ones, as carried in his examination-in-chief. Therefore, when a wholesome reading of his testimony reveals that, therein there are no *intra-se* contradictory versions, rather *intra-se* his examination-in-chief, and, his cross-examination. Therefore, evidentiary vigor is required to be meted to his statement. Resultantly, when both PW-1 and PW-2 speak with the firmest *inter-se* corroboration, besides when their above stated depositions, also are completely taint free. Therefore, through PW-1 and PW-2, the prosecution has been able to prove the guilt of the accused in the charged offences, not only *qua* the offence punishable under Section 302 of the IPC, but also *qua* the offence punishable under Section 452 of the IPC.

DISCLOSURE STATEMENTS OF ACCUSED AND CONSEQUENT THEREWITH RECOVERIES

12. During the course of the custodial interrogation of accused Darshan Singh, he made a signed disclosure statement as comprised in Ex.PW8/Q, contents whereof become extracted hereafter.

“xxx

Disclosure statement of accused Darshan Singh

In the presence of following witnesses, at the time of investigation, Darshan Singh has made his disclosure statement before me that on the day of murder on 28.9.06 that we had

murdered my brother Kulwinder Singh had taken the motorcycle Hero Honda passion stealthily and that motor cycle bearing number PB-53-A-2661 has been kept concealed in our cotton field namely 'dauranwale' situated on Aspal road. I on demarcation can get the same recovered, whose disclosure statement under Section 27 of Evidence Act has been recorded.

Witness: Sd/- HC Karamjit Singh 46 PSS Malout

Witness: Sd/- HC Sukhwinder Singh 720 PSS Malout

Sd/- Darshan Singh above said (In English)

Sd/- Gurjant Singh SI, SHO, PSS Malout Date 7.10.06”

13. A reading of the above extracted signed disclosure statement as made by accused Darshan Singh, reveals that he had therein not only confessed his guilt, but had also disclosed that he can ensure the causings of recovery of motorcycle Hero Honda No.PB-53-A-2661 Ex.PW8/S, to the investigating officer concerned, from the place of his hiding, and, concealing it, the same being exclusively known to him. Since in pursuance thereof through a recovery memo Ex.PW8/S, he caused the recovery of motorcycle Hero Honda No.PB-53-A-2661. Thus evidentiary vigor is to be assigned to the above memos, as he has not been able to either ably deny his signatures as occur on Ex.PW8/S, nor has been able to prove the apposite denial. Moreover, since he has also not been able to bring forth tangible evidence to suggest that the recovery is either contrived or invented. Thus, evidentiary sanctity is to be assigned to the above drawn memo. Resultantly, corroboration therethroughs, is acquired by the credible ocular account rendered *qua* the crime event by PW-1 and by PW-2. Significantly also the prosecution, also has convincingly proved the charge relating to the offence punishable under Section 379 of the IPC, and, also the charge relating to the offence punishable under Section 302 of the IPC.

14. During the course of the custodial interrogation of accused Manjit Singh, he made a signed disclosure statement as comprised in Ex.PW8/W, contents whereof become extracted hereafter.

“xxx

Disclosure Statement of Accused Manjit Singh

In the presence of following witnesses, Manjit Singh abovesaid in police custody at the time of investigation got recorded his disclosure statement that “I have kept concealed the toki after cleaning it with which the murder of my mother and brother was committed, in the house of the chaff room, which I only know about it. On demarcation it can be got recorded, whose disclosure statement has been recorded.”

15. A reading of the above extracted signed disclosure statement as made by accused Manjit Singh, reveals that he had therein not only confessed his guilt, but had also disclosed that he can ensure the causings of recovery of toki Ex.PW8/W, to the investigating officer concerned, from the place of his hiding, and, concealing it, given the said site being exclusively known to him. Since in pursuance thereof through a recovery memo Ex.PW8/W, he caused the recovery of toki. Thus, evidentiary vigor is to be assigned to the above memos, as he has not been able to either ably deny his signatures as occur on Ex.PW8/W, nor has been able to prove the apposite denial. Moreover, since he has also not been able to bring forth tangible evidence to suggest that the recoveries are either contrived or invented. Thus, evidentiary sanctity is to be assigned to the above drawn memos. Resultantly, corroboration therethroughs, is acquired by the credible ocular account rendered *qua* the crime event by PW-1 and by PW-2, as relating to the offence punishable under Section 302 of the IPC.

MEDICAL EVIDENCE (POST MORTEM REPORT)

16. The post mortem upon the body of deceased Kulwinder Singh was conducted on 29.09.2006 by PW-3. PW-3 has proven *qua* his, authoring Ex.PW-3/A, as relates to the autopsy as made upon the body of deceased Kulwinder Singh.

17. Moreover, he has proven that the cause of death of deceased Kulwinder Singh, was owing to shock and hemorrhage, and brain injuries as a result of the combined effect, of the injuries which are ante mortem in nature, and are sufficient to cause death in ordinary course of nature. The relevant ante mortem injuries as noticed by PW-3 on the body of deceased are extracted hereinafter.

- “1. Incised wound 7x2cm obliquely placed on the left side of the forehead 2cm above the left eyebrow. Clotted blood was present. Wound was bone deep.*
- 2. Incised wound 6x2.5cm, horizontally placed starting at the medial end of right eyebrow and going towards the right ear. Underlying bone was cut and brain matter and Meninges were visible. Clotted blood was present in and outside the wound.*
- 3. Incised wound 24.25cm starting at the left zygomatic region and going horizontally just below the nose towards the right ear. Underlying bone was cut. Clotted blood was present in and around the wound.*
- 4. Incised wound 20x2cm horizontally placed on the anterior surface of neck at the level of thyroid cartilage. Thyroid cartilage, Trachea and blood vessel were cut. Trachea was full of blood clots.”*

18. The post mortem upon the body of deceased Surjit Kaur was conducted on 29.09.2006 by PW-4. PW-4 has proven *qua* his, authoring Ex.PW4/B, as relates to the autopsy as made upon the body of deceased Surjit Kaur.

19. Moreover, he has proven that the cause of death of deceased Surjit Kaur, was owing to severe hemorrhage and shock due to injury No.1 which alone or in combination with other injuries was sufficient to cause death in the ordinary course of nature. The relevant ante mortem injuries as noticed by PW-4 on the body of deceased are extracted hereinafter.

“1. An incised wound on the right side of the neck measuring 12cm X 3 cm at level of thyroid cartilage, 6cm – 7 cm deep. On dissection underlying muscle cut, blood completely. Clotted blood present in the wound and around it.

2. Incised wound on the right side of face measuring 8xm X 3 cm exposing the oral cavity and teeth, starting from the right angle of mouth towards the lobe of right ear. Clotted blood present in the wound.”

20. The ante mortem injuries, which have been declared by the authors of the post mortem report, who respectively drew PW-3/A, and, PW-4/B, to cause the demise of the deceased persons, who became put to autopsy, thus corroborate the version *qua* the crime event, as became rendered by the credible eye witnesses thereto.

FSL REPORT

21. Though blood stained incriminatory items besides the blood stained incriminatory weapon(s) of offence became transmitted through memo Report No.806/2006/FSL/Pb/Bio./Exam, dated 30/11/06, to the FSL concerned. However, as revealed by the report of FSL to which Ex.PW8/X is assigned, their respective examinations, resulted in the emergence of the hereinafter extracted opinion.

“Result of Examination

The exhibits contained in parcels 'B' are stained with human blood of group 'A'. The exhibit contained in parcel 'A' is stained

with human blood and the results regarding the grouping are inconclusive.”

22. Though, in the wake of the prosecution cogently establishing, the charges drawn against the convicts, through the stepping into the witness box of credible eye-witnesses to the occurrence. Moreover, also though the prosecution has been able to prove the charge, through the validly drawn memos (supra), besides from the medical evidence (supra). However, the result of the examinations, as made on the blood stained items as sent to the FSL concerned, may have also lent further fortifying corroboration to the evidence (supra), as became adduced by the prosecution. Nonetheless, significantly, the above extracted results, as made upon the blood stained items as sent to the Serologist concerned, rather are inapt hence for firmly concluding, that the blood stains as carried on the relevant items hence belonging to the blood group of the concerned. Thus, in other words, there is no conclusivity of opinion by the Serologist about the human blood carried on the relevant items rather belonging to the blood group of the deceased concerned. The above inconclusivity of opinion may have been overcome only if the investigating officer concerned, had been more adept, through his ensuring the collection, of the respective FTA cards, hence from the family members of the deceased concerned, and/or from the family of the accused concerned, so that they, could be sent along with the relevant blood stained items, to the Serologist concerned, for his making the best apposite comparisons thereof. It is only in the wake of the above ineptitude of investigations, that the above event occurs, that too, despite the above investigational infirmity becoming earlier also highlighted by this Court.

23. However, the above echoings found in Ex.PW8/X, do bolster, an inference, that the above sent incriminatory items to the laboratory concerned, were received there, in an untampered and unspoiled condition. Resultantly, the

makings of recoveries thereof, through the relevant memos, obviously cannot be said to be legally infirm, especially when no evidence has been adduced suggestive, that the relevant memos wherethrough the above items became recovered, were either drawn fictitiously or were forged.

24. Therefore, it cannot, at this stage be stated, that the result of the examinations as made respectively, upon, upon one toki, marked as 'A', stated to have been recovered from the accused Darshan Singh, does not appertain, to those incriminatory items, as became validly recovered nor can it be said, that items other than the incriminatory items, as became recovered through the relevant memos, rather became sent to the laboratory concerned. If so, the result of the examinations as made by the Expert concerned, on the relevant incriminatory items, is to be construed to be made only in respect of those incriminatory items, as became validly recovered, through validly drawn memos, besides, as became thereafter sent to the laboratory concerned. Thus, the opinion of the Serologist concerned, hence to the above extent has immense probative vigor, and, does also nail the charge drawn against the convict.

FINAL ORDER

25. In consequence, the impugned verdict of conviction, and, also the consequent therewith order of sentence, as becomes respectively recorded, and, imposed, upon each of the convicts by the learned trial Judge concerned, does not suffer from any gross perversity, or absurdity of gross mis-appreciation, and, non-appreciation of the evidence on record. In consequence, there is no merit in the appeal, and, the same is dismissed. If the accused are on bail, thereupon the sentence, as imposed upon each of them be ensured to be executed by the learned trial Judge concerned, through his forthwith drawing committal warrants

qua them. Case property, if any, be dealt with in accordance with law, but only after expiry of the period of limitation for the filing of an appeal.

26. Records be sent down forthwith.

(SURESHWAR THAKUR)
JUDGE

20.12.2022

Ithlesh

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No