

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-73-DB-2014 (O&M)
Reserved on: 05.12.2022
Date of decision: 09.12.2022

KULWINDER SINGH @ BALWINDER SINGH
@ KINDI AND OTHERS ...Appellants

Versus

STATE OF PUNJAB ...Respondent

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

Present: Mr. Pradeep Prakash Chahar, DAG, Haryana
(Amicus Curiae) for the appellants.

Mr. Maninder Singh, DAG, Punjab.

SURESHWAR THAKUR, J.

1. Through, the impugned verdict made on 05.08.2013, upon Sessions Case No.80 of 2011, the learned Sessions Judge, Amritsar, proceeded to, in respect of charges drawn for an offence punishable under Section 302, 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 proceeded to impose upon the convicts (supra) both sentence(s) of imprisonment as well as of fine, but in the hereinafter extracted manner:-

Name of the convict	U/s	Sentence
Kulwinder Singh alias Balwinder Singh	302, IPC	Imprisonment for life and to pay a fine of Rs.10,000/-. In default of payment of fine, to undergo further RI for one year.
Harpreet Singh alias Happy	302, IPC	Imprisonment for life and to pay a fine of Rs.10,000/-. In default of payment of fine, to undergo further RI for one year.
Gurpreet Singh alias Gopi	302, IPC	Imprisonment for life and to pay a fine of Rs.10,000/-. In default of payment of fine, to undergo further RI for one year.

2. The period spent in custody by the convicts during investigations, and, trial of the case, was in terms of Section 428 of the Cr.P.C., ordered to be set off from the above imposed sentence(s) of imprisonment.

3. All 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 each of them, thus they are led to institute thereagainst the instant appeal (supra) before this Court.

FACTUAL BACKGROUND

4. The genesis of the prosecution case is embodied in the FIR to which Ex.PJ/2 is assigned, therein, it is narrated that on 21.5.2011, Sub Inspector Balkar Singh, while being posted and working as S.H.O, Police Station Lopoke, Amritsar, was, heading a police party, present at the turning of village Bhuller, where, in connection with patrolling, Kulwant Singh son of Atma Singh of Parjapat community, resident of village Bhuller (complainant) came across him, and, got his statement Ex.PJ, recorded with him to the effect that he had five children i.e. three sons and two daughters, including Sarabjit Singh alias Sabba being eldest, was aged about 22/23 years at the time of his death. Sarabjit Singh alias Sabba stayed and worked in Dubai for about three and a half years and thereafter, returned home, about five months prior to the incident. Sarabjit Singh alias Sabba had been engaged in avocation of transportation of vegetable along with his maternal uncle, Harpal Singh at village Nanoke Sudhar. On 20.5.2011, he had returned home. There was a marriage ceremony of Hardeep Singh son of Pappu Shah, in their village. Sarabjit Singh had gone to house of Hardeep Singh to participate in the marriage celebrations at night on 20.5.2011, but, he did not return home. At about 2 a.m., during mid night, he (complainant) along with his son, Jugraj Singh went to the house of Hardeep Singh in the search of Sarabjit

Singh alias Sabba, but he was not found to be there. His son, Jugraj Singh tried to contact Sarabjit Singh on his mobile phone, but it was not responding. They kept searching for him. At about 4 a.m., in the early morning, when they reached near pond on the southern side of the village, they heard cries and rushed towards the said pond. He and his son, Jugraj Singh, were having torches. In the torch light, they observed that Kulwinder Singh was armed with "Datar", Gurpreet Singh alias Gopi armed with a sua and Harpreet Singh alias Happy armed with a gandasi. He (complainant) challenged them and then Kulwinder Singh alias Balwinder Singh stated that Sarabjit Singh alias Sabba was keeping illicit relations with his daughter and they had taught him a lesson for that. The respective weapons of all the assailants, were blood stained and while they were running away, gandasi, being carried by Harpreet Singh fell down near his feet. When he (complainant) and his son Jugraj Singh went close, they observed that neck of Sarabjit Singh was severed to the extent of half from the left side and there were other injuries on his person. Nearby dead body of Gudo alias Amarjit Kaur d/o Balwinder Singh alias Kindhi, was lying and there was a deep wound on her neck. Both of them had succumbed to injuries. According to complainant, the motive for the incident was that Balwinder Singh alias Kulwinder Singh and his sons, were unhappy with his son Sarabjit Singh alias Sabba, having a love affair, with Amarjit Kaur and out of that grudge, Balwinder Singh alias Kulwinder Singh and his sons, murdered Sarabjit Singh alias Sabba and Guddo alias Amarjit Kaur. That, the complainant had left his son Jugraj Singh near the dead bodies and was going to the police station, to lodge report regarding the incident, on the way, he met the police party and got his statement recorded.

INVESTIGATION

5. After reducing into writing aforesaid statement of complainant

Kulwant Singh, Sub Inspector Balkar Singh read it over to him, who, in token of

its correctness, appended his signatures, thereon, in Punjabi. Sub Inspector Balkar Singh attested such signatures of Kulwant Singh and put his endorsement, Ex.PJ/1, below the same sending ruqa to Police Station Lopoke, Amritsar, through HC Ghulwinder Singh, on the basis of which, formal FIR, Ex.PJ/2, was registered by ASI Kewal Singh. Thereafter, accompanied by complainant Kulwant Singh, Sub Inspector Balkar Singh along with other police officials, went to the spot i.e., pond on outskirts of village Bhuller, and carried out inquest proceedings with respect to dead bodies of Sarabjit Singh alias Sabba and Guddo alias Amarjit Kaur, preparing reports, Ex.PX/1 and Ex.PX/2 as regards dead bodies of Sarabjit Singh alias Sabba and Guddo alias Amarjit Kaur, respectively. He prepared rough site plan of place of incident EX.PX and thereafter, he took into possession taking a woolen loi (a sheet used for wrapping body during winter) lying near the dead bodies, memo Ex.PL. Two pairs of hawai chappals; a pair each lying near dead body of Sarabjit Singh and Guddo, were taken into possession vide memos Ex.PM and Ex.PN, respectively. Thereafter, SI Balkar Singh, Investigating Officer, took into possession the blood stained earth and blood stained grass from that very place of occurrence, after converting those into parcel, Ex.MO1, sealed with seal having impression BS, taking into possession vide memo Ex.PN. Investigating Officer SI Balkar Singh further took into possession blood stained earth and blood stained grass from near the dead body of Amarjit Kaur alias Guddo, after converting it into parcel, Ex.MO2, sealed with seal having impression BS, taking that parcel into possession vide memo Ex.PQ. A gandasi, which was blood stained, lying near the dead bodies, was converted into a sealed parcel Ex.MO3, by Investigating Officer SI Balkar Singh, sealing it with his seal having impression PS, taking into possession vide memo Ex.PR.

6. Thereafter, Sub Inspector, Balkar Singh, Investigating Officer, prepared injury statement of deceased Sarabjit Singh as Ex.PY. He, then scribed two applications Ex.PB as regards Sarabjit Singh and Ex.PD as regards Amarjit Kaur, and handed over the same to HC Gajjan Singh and HC Baljit Singh for the purpose of getting post-mortem examinations conducted on the dead bodies.

7. That on the same day i.e. 21.5.2011, post-mortem examinations on dead bodies of Sarabjit Singh, and Guddo alias Amarjit Kaur, were conducted by Dr. Rajeev Kumar Choudhary, Associate Professor, Department of Forensic Science and Medicines, Sri Guru Ram Dass Medical College, Amritsar, who, vide post-mortem report, Ex.PC as regards deceased Sarabjit Singh, opined that the cause of death was haemorrhage and shock as a result of injury No. 5, which, was sufficient to cause death in ordinary course of nature, whereas, vide post mortem report Ex.PE, as regards deceased Guddo alias Amarjit Kaur, opined that the cause of death haemorrhage and shock as a result of injury No. 3, which, was sufficient to cause death in ordinary course of nature.

8. On 21.5.2011, S.I. Balkar Singh, Investigating Officer was heading a police party and accused Kulwinder Singh alias Balwinder Singh was arrested while coming out from house of Ex-Sarpanch Baldev Singh from village Bhuller. The Investigating Officer prepared arrest memo Ex.PT, and intimation memo as Ex.PT/1. Thereafter, the Investigating Officer along with other police officials was returning to Police Station and when they reached just outside premises of the Police Station, the Investigating Officer came across HC Gajjan Singh and HC Baljit Singh, who, produced before him clothes of the deceased, which, had been given to them by the doctor after post-mortem examination. He converted those clothes into separate parcels, sealing those with his seal having impression BS and the said parcels Ex.MO4 and Ex.MO5 were taken into

possession by him vide memo, Ex.PY/1 and Ex.PY/2, attested by HC Gajjan Singh and HC Baljit Singh. The dead bodies of Sarbjit Singh and Amarjit Kaur were handed over to their relatives for cremations against receipts Ex.PY/3 as regards Sarabjit Singh and Ex.PY/4 as regards Amarjit Kaur alias Guddo.

9. On 23.5.2011, during interrogation, while in police custody, accused Kulwinder Singh suffered a disclosure statement, Ex.PF, that he had kept concealed a "Datar" used in the commission of offence, in chaff in the cattle shed of his house at village Bhuller, about which, only he knew and could get the same recovered. Then, accused, while in police custody, was taken to that place, from where, he got a "Datar" recovered. Rough sketch of "Datar", Ex.PG was prepared, which was converted into a parcel duly sealed with seal having seal impression BS and parcel, Ex.MO6, was taken into possession vide recovery memo, Ex.PH. Rough site plan of place of recovery, Ex.PH/1 was prepared. On return to police station, the case property was deposited with the MHC.

10. On 20.8.2011, S.I, Balkar Singh, Investigating Officer while heading a police party, was present at Chogawan Chowk, where, he received a secret information that Harpreet Singh alias Happy was present at T point near brick kiln in the area of village Bhuller Kalan. Accordingly, police party rushed there, arresting Harpreet Singh vide arrest memo Ex.PU, preparing intimation memo Ex.PU/1. During the course of investigation, statements of witnesses were recorded and after completion of investigation and other formalities, challan against accused Kulwinder Singh alias Balwinder Singh alias Kindhi and Harpreet Singh alias Happy was prepared and presented in the Court of Area Magistrate, Ajnala. On presentation of challan in the Court of Judicial Magistrate Ist Class, Ajnala, copies of documents relied upon, therein, were

furnished to accused Kulwinder Singh alias Balwinder Singh alias Kindhi and Harpreet Singh, free of costs, as provided under section 207 Cr. P.C.

COMMITTAL PROCEEDINGS

11. Since the afore offences were exclusively triable by the Court of Session, thus vide committal order dated 02.10.2011 the learned Judicial Magistrate Ist Class, Ajnala, committed the accused to face trial before the Court of Session.

TRIAL PROCEEDINGS

12. The prosecution examined as many as 12 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 2 defence witnesses.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE APPELLANTS

13. The learned counsel for the convicts-appellants, has made a vigorous submission before this Court that, that there was a dire necessity cast, upon the investigating officer concerned, to during the course of investigations hence conduct a valid test identification parade, for ensuring that therein, the convicts become identified by the informant concerned. He submits that since no valid test identification parade was conducted, during the course of investigations, being made into the FIR. Therefore, he argues that the identification, as was made, in Court of the convicts hence by PW-4, and, by PW-6, was a legally frail identification, and to which no credence can be assigned.

SUBMISSIONS OF THE LEARNED STATE COUNSEL

14. 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.

THE PROSECUTION CASE IS RESTED UPON THE TESTIFICATIONS OF TWO OCULAR WITNESSES WHO HAVE RESPECTIVELY STEPPED INTO THE WITNESS BOX AS PW-4 AND PW-6

15. The testification of (PW-4), an ocular witness to the occurrence, does completely support the genesis of the prosecution case, as carried in the appeal FIR to which Ex.PJ/2, is assigned. His testification as carried in his examination-in-chief was subjected to an exacting cross-examination. However, since PW-4 successfully withstood the rigor of a grilling cross-examination. Therefore, utmost sanctity is to be assigned to the speakings as made by PW-4 in his examination-in-chief. The testification as rendered by PW-4, is also free, from any taint(s) of any gross improvements or embellishments, from his previously made statement in writing nor it suffers from any further taint of therein occurring any rife *intra-se* contradictions rather *intra-se* the speakings made by him in his examination-in-chief, and, in his cross-examination. Therefore, also utmost credence is to be assigned to the testification, as became rendered *qua* the genesis of the case by PW-4.

16. The other ocular witness to the occurrence is PW-6 Jugraj Singh, who, in his testification has rather rendered the firmest corroboration to the testification as became rendered by PW-4. His testification is also free from any taints of any gross improvements or embellishments from his previously recorded statement in writing. Moreover, there are no rife *inter-se* contradictions *inter-se* the testification rendered by PW-4 and by PW-6. Therefore, the untainted *inter-se* corroborative testifications, as, rendered by PW-4 and by

PW-6, do acquire sanctified evidentiary worth, also hence, therethrough the prosecution has succeeded in establishing the charge drawn against the accused.

REASON FOR REJECTING THE ABOVE MADE SUBMISSION BY THE LEARNED COUNSEL FOR THE CONVICTS-APPELLANTS

17. A deepest and wholesome reading of the testifications rendered by PW-4 and by PW-6, unveils that, both in their respective examinations-in-chief had identified in Court, all the three convicts. Both PW-4 and PW-6 were put to the ordeal of a rigorous cross-examination, but during course thereof, no suggestion became put to both, rather by the learned defence counsel, hence suggestive that the said echoings, as occurring in their respective examinations-in-chief, are completely false. Omission (supra) does fillip an inference, that the said identification, in Court of all the convicts by PW-4 and by PW-6, is a truthful identification, and, also obviously did not enjoin the investigating officer concerned, to prior thereto conduct a valid test identification rather for enabling the concerned, to then identify the convicts.

DISCLOSURE STATEMENTS OF ACCUSED AND CONSEQUENT THEREWITH RECOVERIES

18. During the course of the custodial interrogation of accused Kulwinder Singh alias Balwinder Singh alias Kindhi, he made a signed disclosure statement as comprised in Ex.PF, contents whereof become extracted hereafter.

“xxx

Disclosure statement of accused Kulwinder Singh alias Balwinder Singh alias Kindhi

In the presence of following witnesses, Kulwinder Singh alias Balwinder Singh son of Ghulla Singh, Ghumiar, resident of Bhuller, during interrogation, made a disclosure that I have kept concealed the datar, with which, he had committed murder of Sarabjit Singh alias Sabha son of Kulwant Singh, Ghumiar, resident of village Bhuller and my daughter Amarjit Kaur alias Guddo, on

20/21.5.2011, in his old residential house in the verandah used for tethering cattle under the stack of chaff, to which only he knew and can get the same recovered. It was thumb marked by the accused Kulwinder Singh alias Kindi, in Punjabi. The disclosure statement was prepared and it was witnessed by the witnesses.

LTI of Kulwinder Singh noted above.

Sd/- HC Baldev Singh 566, PS Lopoke, Amritsar

Sd/- HC Ghulwinder Singh 1822, PS Lopoke, Amritsar

Sd/- SHO, PS Lopoke, Amritsar 23.05.11”

19. A reading of the above extracted signed disclosure statement as made by accused Kulwinder Singh alias Balwinder Singh alias Kindhi, reveals that he had therein not only confessed his guilt, but had also disclosed that he can ensure the causings of recovery of “Datar” Ex.PH, 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.PH, he caused the recovery of “Datar”. Thus evidentiary vigor is to be assigned to the above memo(s), as he has not been able to either ably deny his signatures as occur on Ex.PF, 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 of “Datar” is either contrived or invented. Thus, too 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-4 and by PW-6.

MEDICAL EVIDENCE (POST MORTEM REPORT)

20. The post mortem upon the body of deceased Sarabjit Singh alias Saba was conducted on 13.08.2010 by PW-2. PW-2 has proven *qua* his, authoring Ex.PC, as relates to the autopsy as made upon the body of deceased Sarabjit Singh alias Saba.

21. Moreover, he has proven that the cause of death of deceased, was haemorrhage and shock due to injury No.5, which is stated to be ante mortem in nature, and which is stated to be sufficient to cause death in the ordinary course of nature. The relevant ante mortem injuries as noticed by PW-2 on the body of deceased are extracted hereinafter.

- “1. Reddish brown abrasion 1 x 0.8 cm was present on left side of forehead, just above left eye brow.*
- 2. Reddish brown abrasion 0.4 x 0.2 cms just lateral to left eye.*
- 3. Lacerated wound 2.1 x 0.8 cm was present on left side of face just lateral to left angle of mouth.*
- 4. Multiple perforating wounds, three in number, were present on right side of front of chest, having a dimension 2.4 x 1.8 cm, 2.3 x 1.8 cm and 3 x 1.8 cm were present on upper part of chest. Margins were clean cut.*
- 5. Incised wound 15 x 8 cm was present on front and left lateral side of neck. Margins were clean cut. Clotted blood was present. On dissection underlying muscles of neck were found clean cut. Underlying vessels and nerves were found clean cut. Clotted blood was present. Dark brown coloured infiltration was present in the surrounding soft tissues structures.*
- 6. Multiple incised perforating wound two in number varying in size from 2.1 x 1.8 cm to 2.3 x 1.7 cm was present on right lateral side of upper part of chest. Margins were clean cut. Clotted blood was present.*
- 7. Reddish brown abrasion 4.5 x 0.8 cm was present on front of right leg. Just below tibial tuberosity.*
- 8. Multiple incised wounds three in number were present on back of left elbow joint, varying in size 3.1 x x cm 1.8 x 1 cm and 1.4 x 0.4 cm. Clotted blood was present.*
- 9. Incised wound 3.4 x 1.8 cm was present on back of right elbow joint. Margins were clean cut. Clotted blood was present.*
- 10. Incised wound 1.6 x 0.4 cm was present on back of right index finger. Margins were clean cut. Clotted blood was present.”*

22. Even though, the incriminatory weapon of offence were not shown to PW-2, during the course of his making his testification, before the learned trial Judge concerned. However, yet the said omission cannot become capitalized by the defence, given the recovered “Datar” palpably having sharp edges. Thus, the sharp edges thereof would obviously result in incised wounds occurring on the relevant portions of the body of the deceased. Therefore, when injury No.5 has been pronounced to be the fatal injury, resultantly the said incised fatal injury, does connect the recovery of the “Datar” at the instance of Kulwinder Singh alias Balwinder Singh alias Kindhi, to the said fatal injury No.5.

23. Even though some incriminatory weapon(s) of offence, at the instance of the accused concerned, excepting Kulwinder Singh alias Balwinder Singh alias Kindhi, rather remained unrecovered at their respective instances, but the said non-causings of recoveries, yet would not enable them to escape from inculpation. The reason for making the above inference ensues from the factum, that in the taint free testifications rendered by the ocular witnesses to the occurrence, who respectively stepped into the witness box as PW-4 and PW-6, both have named the persons (supra) to be available, at the crime site, and, further both have spoken about theirs making an active participation in the infliction of injuries on the person of the deceased. Furthermore, the non-causings of or the non-effectuation of apposite recovery(ies) at their respective instance, is but, evidently a sequel of the relevant weapons, as became ocularly witnessed to be wielded by them, besides became evidently ocularly witnessed to also become used by them, rather became evidently left by them at the crime site, hence naturally therefrom they became recovered by the police officer. Moreover, since the ante mortem injuries mentioned in proven MLR bearing

Ex.PC, do suggest, that theirs' occurring on relevant regions of the body of the deceased concerned, thus their occurrence(s) thereons were but a sequel of user thereons of weapon(s) of offence by the all accused concerned, inclusive of all the three convicts. Thus, also the non-makings of recoveries of weapon(s) of offence, at their respective instance of convict Harpreet Singh alias Happy and of convict Gurpreet Singh alias Gopi, does not at all render capsized hence the prosecution case.

FSL REPORT

24. Though blood stained incriminatory items besides the blood stained incriminatory weapon(s) of offence became transmitted through memo reference No.556/2011/FSL/Pb/Bio./Exam, dated 28/7/11, to the FSL concerned. However, as revealed by the report of FSL to which Ex.PZ is assigned, their respective examinations, resulted in the emergence of the hereinafter extracted opinion.

“Result of Examination

The exhibits contained in the parcels A, B, C, D, E and F are stained with human blood.”

25. 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 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.

26. However, the above echoings found in Ex.PZ, 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.

27. Therefore, it cannot, at this stage be stated, that the result of the examinations as made respectively, upon, blood stained earth lifted from the place of occurrence, upon clothes of deceased, upon one gandasi, marked as C, upon one "Datar" marked as D, stated to have been recovered from the accused Kulwinder Singh alias Balwinder Singh alias Kindi, 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.

SUMMARIZATION OF PRINCIPLES

- I. If the identification of the accused is made in Court by evident ocular witnesses to the occurrence, and if the same remains undenied through any cross-examination being, made upon the ocular witnesses, thus the said identification has evidentiary vigor, and does not require the makings of identifications of the accused, in a test identification conducted, during the course of investigations, by the investigating officer concerned.
- II. If the ocular account qua the occurrence is credible, then the non-makings or non-causings of recoveries of weapons of offence, at the instance of the incriminatory participants, in the relevant occurrence, does not give any capital to the defence. Significantly when the non-causings of recovery of the incriminatory weapons of offence, is the result of the weapons of offence, being left at the crime site by the relevant incriminatory participants. Moreover, also when the medical account supports the user of the weapon(s) of offence by the convicts concerned.

FINAL ORDER

28. 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 forthwith 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 period of the limitation for the filing of an appeal.

29. Records be sent down forthwith.

(SURESHWAR THAKUR)
JUDGE

9.12.2022

Ithlesh

(KULDEEP TIWARI)
JUDGE

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