

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

301

(i) CRA-D-935-DB-2011 (O&M)

Reserved on: 18.11.2022

Date of Decision: 19.12.2022

SANDEEP KUMAR @ SODHI

-Appellant

Versus

STATE OF PUNJAB

-Respondent

(ii) CRA-D-1042-DB-2011

Reserved on: 18.11.2022

Date of Decision: 19.12.2022

DINESH KUMAR @ RAJ

-Appellant

Versus

STATE OF PUNJAB

-Respondent

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

Argued by: Mr. Hitesh Kumar Sammi, Advocate
for the appellant in CRA-D-935-DB-2011.

Mr. P.P.Chahar, Advocate
Amicus Curiae for the appellant in CRA-D-1042-DB-2011.

Ms. Monika Jalota, Sr. DAG, Punjab.

KULDEEP TIWARI, J.

1. Both these appeals arise out of the same facts and a common judgment dated 04.08.2011, therefore, they are being taken together and decided accordingly.

2. The present appeals have been directed at the instance of

appellants/accused, being aggrieved with the verdict of conviction and order of sentence dated 04.08.2011, rendered by the learned Additional Sessions Judge, Hoshiarpur, in case FIR No.36 of 22.04.2008, registered under Sections 302, 376 and 34 of IPC, at Police Station Hariana, District Hoshiarpur, whereby they have been convicted for the offence punishable under Sections 376(2)(g) and 302 of IPC, and, have been awarded sentence as under:-

Offence under Section	Period (R.I.)	Fine	In Default
376(2)(g) of IPC	R.I. for life	Rs.10,000/-	R.I. for 1 year
302 of IPC	R.I. for life	Rs.10,000/-	R.I. for 1 year

Both these sentences were ordered to run concurrently.

FACTUAL MATRIX

3. The prosecution story unfolds from the statement of PW4, Ravinder Kumar (complainant), which was recorded by SI/SHO Sukhwinder Singh (I.O.) while being on patrolling. The complainant stated that he is an agriculturist and has three daughters. The appellant/accused Dinesh Kumar @ Raj had been working under him for the last five years. On 21.04.2008, he engaged labourers for harvesting his wheat crop in the fields, situated at a distance of about an acre from his house. The same day, at about 05:30 p.m., he sent the appellant/accused Dinesh Kumar @ Raj to serve tea to the labourers working in his fields. While going to serve tea, the appellant/accused Dinesh Kumar @ Raj took his 4 years old median daughter xxxx (identity of minor girl is withheld) along with him. He viewed the fields from his

house and found the appellant/accused Dinesh Kumar @ Raj and the co-appellant/accused Sandeep Kumar @ Sodhi standing and talking near hemp bushes while his daughter was accompanying them. Thereafter, he got busy in his work, however, when the appellant/accused Dinesh Kumar @ Raj and his daughter xxxx did not return home in the evening, he along with his family members and relatives started searching them, but, they could not be found. Thereafter, he went to the house of co-appellant/accused Sandeep Kumar, however, he was also not found at his house. During the course of search, at about 05:00 a.m., the dead body of his minor daughter xxxx was found lying in the hemp bushes, who was having injuries on her face and private parts and blood was oozing out from the injuries. He staunchly stated that his worker Dinesh Kumar @ Raj and Sandeep Kumar @ Sodhi, after committing rape, have killed his minor daughter xxxx. After leaving his brother Shinder near the dead body of his minor daughter xxxx, the complainant along with his father went to the police station, and, on their way, they met SI/SHO Sukhwinder Singh, who recorded his statement. Thereafter, a ruqa was sent to the police station for registration of the FIR, on the basis whereof, the present FIR was registered.

INVESTIGATION PROCEEDINGS

4. After registration of the FIR, the Investigation Officer commenced investigation. One half bottle, one steel glass and one purse were recovered from the place of occurrence. Upon examining the purse, recovered from the place of occurrence, it was found to have contained

one identity card of co-appellant/accused Sandeep Kumar @ Sodhi and Rs.15/-. Thereafter, PW6, Inspector Gurdeep Singh, was called from Fingerprints Bureau to collect fingerprints from the recovered articles, however, he found fingerprints only on the half bottle. A parcel was prepared of the above recovered articles, which was sealed with seal bearing impression 'SS' and taken into possession, vide recovery memo Ex.PG, attested by Inspector Gurdeep Singh and ASI Balbir Singh. The inquest proceedings were carried out. The dead body was identified by Santokh Singh and Vijay Kumar. The dead body was sent for post-mortem examination at Civil Hospital. The Investigation Officer prepared the rough site plan Ex.PJ. On the same day, the Investigation Officer arrested both the appellants/accused, and, on the next day, i.e. 23.04.2008, he got medical examination of both the appellants/accused conducted. The scaled map of place of recovery was prepared by PW7, Arjun Dhanna, Draftsman. The statements of witnesses were recovered. After receipt of the report of Fingerprint Expert, the Final Report under Section 173 Cr.P.C. was filed before the concerned Illaqa Magistrate. Finding the case exclusively triable by the court of Sessions, the learned Illaqa Magistrate, after complying with the provisions of Section 207 Cr.P.C., committed the case to the court of Sessions vide committal order dated 27.08.2008.

PROCEEDINGS OF TRIAL COURT

5. Finding a prima facie case, both the appellants/accused were charge-sheeted for commission of offence punishable under Sections 302

and 376(2)(g) of IPC. The prosecution, in order to prove its case, examined as many as 13 witnesses, whereas, PWs Santokh Singh, HC Balwinder Singh, ASI Balbir Singh, HC Satwinder Singh, HC Balwinder Singh, C. Jaswinder Singh and SI Munish Kumar were given up by the learned Public Prosecutor being unnecessary and thereafter, he closed the evidence of the prosecution.

6. The statements of both the appellants/accused, under Section 313 Cr.P.C., were recorded, wherein, they pleaded innocence and alleged false implication while denying all the allegations levelled against them. Appellant/accused Dinesh Kumar @ Raj pleaded that he did not take the minor girl xxxx from her house and he has no relation with co-appellant/accused Sandeep Kumar @ Sodhi. It was specifically alleged that his fingerprints were taken by coercion and torture. Similarly, appellant/accused Sandeep Kumar @ Sodhi also specifically alleged that he was arrested from his house and his purse, containing his identity card, was procured by the police from his house through Karam son of Joginder Singh, resident of Village Hariana.

7. The learned trial Court, after completion of trial, recorded the verdict of conviction and order of sentence dated 04.08.2011, whereby both the appellants/accused have been convicted for the charges framed against them under Sections 376(2)(g) and 302 of IPC.

SUBMISSIONS BY COUNSELS FOR THE PARTIES

8. The learned counsels for the appellants/accused, while drawing attention of this Court towards the Inquest Report, stated that no

articles, i.e. half bottle, one steel glass and one purse, were present at the place of occurrence, as it amply clear from a reading of Column No.22 and 23 of the Inquest Report. The Investigation Officer has not filled up this column, which pertains to the articles found near the dead body, therefore, these articles were planted subsequently in order to implicate the appellants/accused. Our attention was also drawn to the report of Director, Fingerprints Bureau, Phillaur, Ex.PX, wherein it is recorded that the photographs of fingerprint impressions were received through Constable Surjit Singh No.1846/HPR. It was submitted that this witness has not been examined by the prosecution, therefore, the link evidence is missing, rather, the prosecution examined HC Gurmit Singh as PW13, who deposed in his affidavit, Ex.PW13/A, that he deposited the parcel of half bottle with the office of Director, Fingerprints Bureau, Phillaur, and therefore, there is a lacuna in the prosecution's story, which goes to the root of the matter and demolishes the entire prosecution case. It was further argued that there is a considerable delay in lodging the FIR, as the complainant came to know about the occurrence on 22.04.2008, near about 05:00 a.m., however, the FIR was registered after about 3 hours, i.e. at 08:00 a.m. Therefore, the version, as contained in the FIR, is a result of gross vice and concoction. Learned counsels for the appellants/accused further argued that no blood stained earth was lifted for comparison, and, even the footprints were not lifted from the spot. Moreover, all the vital circumstances to complete the chain of events have not been proved by the prosecution, therefore, the appellants/

accused deserve to be acquitted while being afforded the benefit of doubt.

9. Per contra, learned State counsel placed heavy reliance upon the statement of PW4, Ravinder Kumar (complainant), and, PW8, Rakha Ram (father of complainant), who saw the minor girl xxxx in the company of appellants/accused. She further placed reliance upon the report, Ex.PX, of Fingerprint Expert, which clearly establishes the fingerprints, as present on the half bottle, were tallying with the fingerprints of appellant/accused Dinesk Kumar @ Raj. Reliance was further placed upon the recovery memo, Ex.PG, vide which the purse, carrying identity card of co-appellant/accused Sandeep Kumar @ Sodhi, was recovered from the spot. Learned State counsel further argued that the chain of circumstances, proved on record by the prosecution, clearly establishes the guilt of both the appellants/accused, therefore, there is no infirmity or perversity in the verdict of conviction and order of sentence recorded by the learned trial Court, and, while concluding her arguments, she prayed for dismissal of the appeals.

MEDICAL EVIDENCE

10. Coming to the medical evidence, it must, at the outset, be stated that the medical evidence proves beyond the shadow of doubt that the minor girls xxxx was murdered after being sexually assaulted. PW1, Dr. Jaswinder Singh, Medical Officer, Civil Hospital, Hoshiarpur, upon conducting post-mortem on the dead body of minor girl xxxx, found the following injuries on her body:-

“1) Two red abrasions each measuring 1x.1 cm and 1x.3 cms, .4 cms apart from each other present on

right side of neck on its middle 1/3rd.

- 2) Red abrasion .5 x .1 cm obliquely placed was present on Lower 1/3rd of neck anteriorly.
- 3) Red abraded contusions 1x.3 cms and .5x.2 cm, .5cms apart from each other were present anteriorly on middle 1/3rd of neck.
- 4) Red abrasion 2x .2cm obliquely placed was present on left side of face, 1.5 m lateral to outer end of left eyebrow.
- 5) Red abrasion contusion .2 x .1 cm was present on middle of left cheek.
- 6) Red abrasion .4 x .2 cms was present on right cheek, 4 cm lateral to outer angle of mouth.
- 7) Red abrasion .3 x .2 cm was present on right side of lower jaw, one cm below right angle of mouth.
- 8) Red abrasions three in number each measuring .3x .2 cms, .4x.1 cm and .4x.2 cms vertically placed, .3 cm apart from each other were present on right cheek, 1.5 cm below middle of lower lid of right eye.
- 9) Red abraded contusion .5x .3 cms was present on middle of upper lip on its internal aspect.
- 10) Red abraded contusion 1x .5 cms was present on middle of lower lip on its internal aspect. Corresponding gum and teeth of both jaws were healthy.
- 11) Red abraded contusion .5x .3 cms was present on left side of lower jaw, 2 cm below middle of left mandibular ramus.
- 12) Red abrasion 1x.5 cm was present on lateral half of upper lid of right eye.
- 13) Red abrasion .5 x .4 cm was present on middle of upper lid of left eye.”

After analysis of the injuries, the cause of death, according to the doctor, was declared as asphyxia due to throttling. All the injuries were declared as ante-mortem in nature. The doctor further opined that the probable time that elapse between injury and death was immediate, and, between death and post-mortem examination was within 12 to 24 hours.

11. PW3, Dr. Ritu Narad, Medical Officer, Civil Hospital, Hoshiarpur, conducted the gynecological examination of minor girl xxxx, on 22.04.2008, and, recorded the following injuries on her body:-

“On per vaginum examination, a tear present in 6'O clock position involving the lower half of posterior vaginal wall, post commissure, fourchette, perineum reaching the anterior margins of anus but not involving the anus. Hymen is absent. Four slides and four swabs were taken from the posterior fornix of vagina and external os of cervix for Chemical examination (spermatozoa) and DNA analysis.”

Further, after examining the report of Chemical Examiner, dated 06.06.2008, Ex.PC, according to which, spermatozoa was detected in the contents of Ex. I and II, she gave a categoric opinion that possibility of sexual intercourse is there. The report containing her opinion is Ex.PD.

12. From the aforesaid statements of PW1, Dr. Jaswinder Singh, and PW3, Dr. Ritu Narad, as well as the post-mortem report and the chemical examiner's report, following do clearly emerge:- (i) The minor girl xxxx was subjected to penetrative sexual assault, and, (ii) She was

murdered by strangulation.

CIRCUMSTANTIAL EVIDENCE COLLECTED FROM THE SPOT
OF OCCURRENCE

13. The dead body was found by the complainant and his family members from a vacant plot of PW8, Rakha Ram, grandfather of minor girl xxxx. In the inquest report prepared by the Investigation Officer, no articles were shown near the dead body. However, he called Inspector Gurdeep Singh, Fingerprint Expert, at the spot and showed him one half bottle, one steel glass and a purse, lying at the scene of crime. Inspector Gurdeep Singh, Fingerprint Expert, examined the articles and found presence of fingerprints on the half black bottle of "Landlord Rum 375 ml", who took photographs of the fingerprints and advised the Investigation Officer to prepare a parcel thereof and to send the same to Director, Fingerprints Bureau, Phillaur for further examination. Accordingly, the Investigation Officer prepared recovery memo, Ex.PG, in respect of articles, i.e. one half bottle (empty), a steel glass and a purse (wallet), containing identity card of co-appellant/accused Sandeep Kumar @ Sodhi.

14. It is essential to note here that, during investigation, the Investigation Officer, through learned Public Prosecutor, filed an application before the learned ACJM concerned, for obtaining the fingerprint impressions of accused in the Court. Both the appellants/accused gave concurrence to supply their fingerprint impressions, and, upon such statement being made, the learned ACJM,

vide order dated 25.04.2008, ordered for the taking of fingerprint impressions, and, which were taken in Court. The order dated 25.04.2008 was proved on record as Ex.PW12/A.

15. Inpsector Gurdeep Singh, examined as PW6, proved his report, Ex.PX, according to which, the thumb impression of appellant/accused Dinesh Kumar @ Raj tallied with the thumb impression present on the half bottle, recovered from the place of occurrence. He further proved the recovery memo, Ex.PG, in respect of the articles recovered from the place of occurrence. He was put to pointed and lengthy cross-examination by learned defence counsel, however, nothing material could be elicited by defence to impeach his credibility. During cross-examination, he stated that all the articles, recovered from the spot, were lying within an area of 2 feet, and, that he is not aware of presence of any footmarks near the dead body, and, that the fingerprints on the bottle were developed by him by putting powders as per procedure.

16. HC Gurmit Singh, examined as PW13, proved his affidavit Ex.PW13/A, wherein, he stated that, on 23.04.2008, MHC Sodhi Singh handed over to him a parcel of one half bottle (empty) bearing seal impression 'SS', vide Road Certificate No.101/21, for transmission to Director, Fingerprints Bureau, Phillaur, which he deposited and the receipt thereof was handed over to the MHC Sodhi Singh. He further stated that the parcel remained intact till the time it remained in his custody as neither he himself nor allowed anyone else to tamper with the

same.

17. MHC Sodhi Singh, examined as PW11, also stated that he sent the sealed parcel of half bottle to the office of Fingerprints Bureau, Phillaur, through Constable Gurmit Singh (PW13), vide Road Certificate No.101/21, which was deposited by him on the same day and a receipt, regarding deposit of parcel, issued by Clerk of Fingerprints Bureau, Phillaur, was handed over to him. He further proved on record that, on 25.04.2008, he also sent the seal parcel bearing impression 'CHH' and a sealed envelope to the office of Chemical Examiner through HC Satpal Singh, vide Road Certificate No.105/21, which was deposited on the same day by HC Satpal Singh and upon return therefrom, he handed over the receipt of deposit to him.

18. From perusal of the statements of PW6, Inspector Gurdeep Singh, PW11, MHC Sodhi Singh, and, PW13, HC Gurmit Singh, it is established beyond reasonable doubt that all the articles, recovered from the place of occurrence, were sent to the Fingerprints Bureau and the Office of Chemical Examiner in an intact condition, without any tampering.

19. Learned counsels for the appellants/accused argued that as per the report, Ex.PX, the sealed parcel of half bottle was received through Constable Surjit Singh No.1846/HPR, whereas, as per the statement of PW11, MHC Sodhi Singh, the sealed parcel of half bottle was sent through Constable Gurmit Singh, therefore, there are material contradictions. He further argued that, in fact, the investigation agency

has padded the case, in order to falsely implicate the appellants/accused.

20. We have examined the statements of PW11, MHC Sodhi Singh, and, PW13, Gurmit Singh. Both of them have categorically stated that, on 23.04.2008, the sealed parcel of half bottle was sent by MHC Sodhi Singh through Constable Gurmit Singh for deposit in the Fingerprints Bureau, which was accordingly deposited by him and he also submitted the receipt thereof to MHC Sodhi Singh. Interestingly, no such suggestion was ever put to PW13, HC Gurmit Singh, that he did not deposit the case property with the office of Fingerprints Bureau, Phillaur. In the absence of any cross-examination to this effect, the prosecution cannot, now at this stage, raise such objection, which, in our opinion, is merely a clerical mistake. From the record, it is categorically proved that the sealed parcel of half bottle was sent through PW13, Constable Gurmit Singh, and there is nothing on record to doubt the veracity of both these PWs. Furthermore, perusal of the report of Fingerprint Expert, Ex.PX, clearly depicts that the half bottle carried the thumb impression of one of the appellants/accused Dinesh Kumar @ Raj. The report of Chemical Examiner, Ex.PC, further proved that spermatozoa was detected in the contents of Ex. (i) and (ii).

21. From the foregoing discussion, it is crystal clear that three articles, i.e. one half bottle "Landlord Rum 375 ml", one steel glass and a purse (wallet), carrying the identity card of co-appellant/accused Sandeep Kumar @ Sodhi, were recovered from the spot of occurrence. Fingerprints were found present only on one article, i.e. the half bottle,

which tallied with the fingerprints of appellant/accused Dinesh Kumar.

LAST SEEN EVIDENCE

22. The prosecution has examined PW4, Ravinder Kumar (complainant), according to whose statement, on 21.04.2008, at about 05:30 p.m., he sent his servant Dinesh Kumar (one of the appellants/accused) to serve tea to the labourers, harvesting the wheat crop in his fields. However, the appellant/accused Dinesh Kumar also took his minor daughter xxxx with him, and, after some time, he saw that appellants/accused Dinesh Kumar @ Raj and Sandeep Kumar @ Sodhi were talking to each other near Cannabis plants (Bhaang plants) and his minor daughter xxxx was also present with them. Thereafter, he got busy in his work, however, when his daughter xxxx did not return home in the evening, he started searching but could not trace her, and, the next morning at about 05:00 a.m., finally, her dead body was found lying near Cannabis plants (Bhaang plants). On the same lines is the testimony of PW8, Rakha Ram, grandfather of the minor girl xxxx. Both these witnesses proved that the minor girl xxxx was, for the last time, before getting sexually assaulted and murdered, seen in the company of appellants/accused near Cannabis plants and thereafter, only her dead body was found near that spot.

REASONS

23. The present is a case of circumstantial evidence, therefore, it is the duty of this Court to examine whether all the circumstances, necessary to establish the guilt of appellants/accused, are proved by the

prosecution beyond reasonable doubt. Every link in the chain of circumstances, needs to be alleged and proved by the prosecution. First of all, the most important document is the recovery memo, Ex.PG, prepared by the Investigation Officer, which was attested by an independent witness, i.e. Inspector Gurdeep Singh, Fingerprint Expert, and, by ASI Balbir Singh. ASI Balbir Singh was given up, being unnecessary, by learned Public Prosecutor, whereas, Inspector Gurdeep Singh was examined as PW6, who has categorically proved the recovery memo of one half bottle (empty), one steel glass and one purse (wallet). Another link evidence, in the chain of circumstances, is the statement of MHC Sodhi Singh, examined as PW11, who categorically proved that, on 22.04.2008, ASI Sukhjinder Singh deposited the case property with him. He further proved that the sealed parcel of half bottle was sent and deposited, in an intact condition, with the Fingerprints Bureau, Phillaur, through Constable Gurmit Singh, receipt whereof was handed over to him. PW13, HC Gurmit Singh, supported the version stated by PW11, MHC Sodhi Singh. PW6, Inspector Gurdeep Singh, proved his report, Ex.PX, according to which, the thumb impression of appellant/accused Dinesh Kumar @ Raj tallied with the thumb impression present on the half bottle, recovered from the place of occurrence. Therefore, the prosecution has fully proved the vital circumstantial evidence and completed the chain of circumstances, which prove beyond reasonable doubt that the appellants/accused were present with the minor girl xxxx in the evening of 21.04.2008, however, thereafter, she did not return home

and was found dead in the next morning. Even, both the appellants/accused were not traceable during that night. It is also one of the strong and material circumstances against the appellants/accused. Moreover, the articles recovered from the place of occurrence, also clearly prove the guilt of appellants/accused. Not only this, the version of the prosecution also gains corroboration from the medical evidence, according to which, the minor girl was subjected to sexual assault and thereafter, she was murdered by strangulation.

24. Learned counsels for the appellants/accused argued that the defence evidence produced by the appellants/accused has not been appreciated by the learned trial Court in its right perspective, therefore, the impugned judgment suffers from perversity and thus, is liable to be set aside. In the light of submissions advanced by learned counsels for the appellants/accused, it is important to deal, in detail, with the defence put by the appellants/accused. The appellant/accused Dinesh Kumar @ Raku, in his statement recorded under Section 313 Cr.P.C., took the plea that he has no relation with the co-appellant/accused Sandeep Kumar @ Sodhi, and, that neither the half bottle of rum, steel glass and the purse were recovered near the dead body nor did they bear any fingerprint impressions. He further stated that **his thumb impressions and fingerprint impressions were obtained by the police officials, after torturing him in police custody, and not in the Court.** Similar is the plea taken by appellant/accused Sandeep Kumar @ Sodhi, in his statement recorded under Section 313 Cr.P.C., however, he further stated

that he was arrested from his house and his purse, containing his identity card, was procured by the police from his house through Karam son of Joginder Singh.

25. So far as the plea of appellant/accused Sandeep Kumar @ Sodhi, inasmuch as, it pertains to his arrest from his house and recovery of purse from his house is concerned, remained inconsistent throughout the course of trial, which can be ascertained from the trial Court's record. In his statement, under Section 313 Cr.P.C., he stated that his purse was procured by the police from his house through Karam son of Joginder Singh, whereas, he examined Rajinder Kumar in his defence, as DW1, who stated that two police officials had come, in plain clothes, to the house of appellant/accused Sandeep Kumar and they asked him to take his identity card and purse as some facts are to be verified from Chohal Factory. The relevant part of examination-in-chief of DW1 reads as under:-

“Sandeep Kumar is the son of my brother-in-law. About 3/3¼ years back, I had come to see Sandeep Kumar and his family. It was about noon time. Two police officials in plain cloth came to our house. They asked Sandeep Kumar to take his identity card and purse as the fact is to verified from Chohal factory. They told that he wanted by the Thanedar. We asked those officials as to why he was being taken. But they told that Thanedar is to verify the facts. Thereafter, he

was falsely involved in this case.”

26. The learned counsel for the appellant/accused Sandeep Kumar @ Sodhi offered a totally different tale, by way of suggestion. A specific suggestion was put to the Investigation Officer, examined as PW9, that the appellant/accused Sandeep Kumar @ Sodhi was arrested from his house and his identity card and purse were recovered through his mother just to connect him with this case. The relevant extract of the cross-examination of PW9, SI Sukhjinder Singh, is reproduced as under:-

“It is wrong to suggest that the accused Sandeep Kumar was arrested from his house. It is also wrong to suggest that his identity card and purse were requisitioned through his mother just to connect him with this case. It is wrong to suggest that I have deposed falsely:”

From perusal of the above, it is crystal clear that the appellant/accused Sandeep Kumar took inconsistent stand throughout the trial, therefore, the same is not reliable.

27. The learned counsel for the appellants/accused further raised the argument that there is considerable delay in lodging the FIR, therefore, the version put forward by complainant in the FIR is result of gross vice of premeditation and concoction. This argument gets sufficiently combated from the statement of PW4, Ravinder Kumar (complainant), from whose reading it transpires that the minor girl xxxx was last seen with the appellants/accused at about 05:00 p.m. on

21.04.2008 and thereafter, she went missing and after it turned dark, Munadi was also effected in the nearby 3/4 villages. The matter was also reported to the police on telephone, whereupon, police reached at the spot at about 09:00 p.m. and the police also helped them in searching the girl, but, to no use. Next morning, at about 05:00 a.m., the dead body of minor girl xxxx was found by the complainant and his family, subsequent whereto, they went to Police Station to report the matter. The statement of complainant was recorded at 07:00 a.m. and on the basis of which, a formal FIR was registered within an hour. Therefore, we do not find any inordinate delay in registration of the FIR. As is obvious from the above, the complainant and his family were searching for the minor girl throughout the night and when the dead body was found next morning, the complainant, with all promptitude, recorded his statement with the police, wherein, he nominated both the appellants/accused as the wrongdoers and immediately thereafter, the instant FIR was registered. Therefore, the plea of learned counsels for the appellants/accused of there being delay in lodging the FIR is rejected.

CONCLUSION

28. In view of the aforesaid discussion, we do not find any merit in the instant appeals and accordingly, the same are hereby **dismissed**.

29. The verdict of conviction and order of sentence dated 04.08.2011, rendered by the learned Additional Sessions Judge, Hoshiarpur, does not call for any interference by this Court and the same is affirmed and maintained.

30. The appellants/accused, if not in custody, shall forthwith be taken into custody to honour rest of the sentence imposed.

31. The case property, if any, be dealt with in accordance with law after expiry of the period of limitation for filing an appeal. The record be forthwith sent down.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

19.12.2022
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No