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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-3578-SB-2013 (O&M)
Date of Decision : 29.03.2023

Randeep @ Kala and another Appellants

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Ajay Kumar Gupta, Advocate
for appellant No.1.

Mr. Navkiran Singh Advocate &
Ms. Harpreet Kaur, Advocate
for appellant No.2.

Ms. Kirti Singh, DAG, Haryana
for the respondent-State.

VIKRAM AGGARWAL, J

The present appeal is directed against the judgment of conviction dated 07.09.2013 and order of sentence dated 10.09.2013, passed by the learned Addl. Sessions Judge, Jind, vide which the appellants were convicted and sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.10,000/- each and in default thereof to further undergo rigorous imprisonment for 01 year each under Section 307/34 IPC.

2. The facts, as projected by the prosecution, were that on 26.05.2011, Police Station Sadar, Jind received a telephonic message from

Police Post, General Hospital, Jind that one Parmod son of Krishan, resident of Village Ram Rai was admitted in the hospital on having suffered firearm injuries. On receipt of the information, ASI Ram Mehar (PW13) reached the General Hospital, Jind alongwith one other police official. Medical information and MLR were collected. Injured Parmod had been referred to the Post Graduate Institute of Medical Sciences, Rohtak (hereinafter referred to as 'PGIMS, Rohtak'). ASI Ram Mehar reached the said hospital and recorded the statement Ex.PS of injured Parmod who lateron deposed as PW17 during the trial. As per Parmod, he was an agriculturist by profession and one month prior to the incident, he had gone to attend the auction of shops of bus stand, Jind. Accused Virender had warned him telephonically that he (Parmod) should not participate in the said auction but he did not pay any heed. Upon this, accused Virender and his friends Kala @ Bagra (appellant No.1) and Vijay (appellant No.2) threatened him that he would be taught a lesson for having participated in the auction. After the said incident, all these three persons had been intimidating him personally as also telephonically.

3. On 25.05.2011, at about 10:30 p.m., complainant/injured Parmod (PW17) alongwith his friend Pawan (PW15) had gone for a walk . At about 10:40 p.m., the present appellants and one Virender armed with a revolver and pistols came on a motocycle. Virender fired a shot from his pistol which struck on the left thigh of complainant Parmod. Kala @ Bagra fired a shot from his revolver which struck on the right arm of the complainant. Vijay also fired a shot from his pistol which struck on the back of the complainant.

It was alleged that the shots had been fired with an intention to kill him. He

further stated that two other unknown persons were also present with the assailants at a distance of 15-20 feet. When the complainant raised an alarm, his brother Jagdeep (PW8) and mother Dropati (PW9) came at the spot. At this point, the assailants alongwith their weapons fled from the spot on their motorycle. Pawan got frightened and had also fled on seeing the assailants. Jagdeep (PW8) and Rajinder Singh, uncle of the complainant, arranged a conveyance and took him to the General Hospital, Jind from where, due to his serious condition, he was referred to PGIMS, Rohtak.

4. Police information was sent and the FIR was registered. Investigation commenced. The appellants alongwith other persons were arrested. In all, 10 accused were named in the FIR. On completion of investigation, final report under Section 173 Cr.P.C. was filed. Charges were framed and the trial commenced. The prosecution examined 30 witnesses. Two witnesses were examined in defence.

5. Learned trial Court convicted and sentenced the appellants in the manner referred to in the opening part of the judgment. However, co-accused Sumit, Rajesh son of Khushi Ram and Rajesh alias Raja son of Kishan were acquitted.

6. Aggrieved by the impugned judgment of conviction and order of sentence, passed by the learned trial Court, the present appeal has been preferred.

7. I have heard learned counsel for the parties and with their assistance have perused the record of the case.

8. Before noticing the arguments advanced by learned counsel for the parties, it would be essential to mention that as per the custody certificate

filed by the respondent-State, appellant No.1 Randeep @ Kala has undergone actual sentence of 09 years, 01 month, 20 days. Total sentence including remission is 10 years and 12 days. As per the custody certificate, appellant No.1 is involved in many other cases. He has also been convicted in a few other cases. As per the said custody certificate, the sentence in the present case started after the expiry of sentence in FIR No.131 of 2010. In so far as appellant No.2 Vijay Kumar is concerned, he has undergone actual sentence of 06 years, 11 months, 02 days. Total sentence including remission is 10 years. The custody certificate shows that he is also involved in many other cases including cases under Section 302 IPC.

9. Learned counsel for the appellants submitted that though both appellants have undergone the total sentence, they would wish to argue the case on merits.

10. Sh. Ajay Kumar Gupta, learned counsel representing appellant No.1 Randeep @ Kala, asserted that the appellant had been falsely implicated. It has been contended that appellant No.1 had never been named in the FIR and that some Kala @ Bagra had been referred to by the complainant. Learned counsel has submitted that no evidence was led by the prosecution to even remotely suggest that appellant No.1 was also called by the name of Kala or Bagra. Learned counsel has submitted that there is no evidence worth its name either oral or documentary to prove this fact. Learned counsel has further submitted that no test identification parade was conducted and the identification for the first time in the Court would definitely cause a dent in the case of the prosecution. He has further contended that there was an inordinate delay in lodging of the FIR because as

per the complainant, the incident took place on 25.05.2011 at about 10:40 p.m. whereas the FIR was registered on 26.05.2011 at about 3:00 a.m. Learned counsel has submitted that complainant Parmod while appearing as PW17, has stated that he was conscious and, therefore, the delay in lodging of the FIR does not stand explained. Learned counsel has contended that the complainant was himself an accused in a case under Section 302 IPC and his father had also committed a murder as a result of which he had many enemies. Learned counsel has contended that anyone could have attacked the complainant and the appellants were named only with a view to settle old scores.

11. Learned counsel has contended that as per the scaled site plan, the pond is outside the village whereas the house of the complainant is inside the village and, therefore, it is not understood as to how the cousin and the mother reached the spot on hearing the cries of the complainant. It has been submitted that even otherwise, no reliance can be placed upon their testimonies as they were not eye-witnesses to the alleged crime.

12. Learned counsel has further contended that the motive projected by the complainant is also false because during the cross-examination, the complainant could not tell anything about the auction thereby proving that no such issue had arisen. Learned counsel has submitted that the alleged eye-witness Pawan has not supported the case of the prosecution which also proves that there was no truth in the case of the prosecution. It has been argued that no reliance can be placed upon the sole testimony of complainant Parmod because he himself was an interested witness and was bound to depose against the appellants. Learned counsel has further submitted that the

fact that remaining eight accused were acquitted also causes a dent in the case of the prosecution. Learned counsel has contended that no reliance can be placed even upon the report of the FSL as recoveries itself do not stand proved. Even as per the report of the FSL, the bullets alleged to have been recovered from the spot did not match the arms allegedly recovered from the appellants. Learned counsel has submitted that the version of the prosecution is full of improbabilities and, therefore, cannot be believed. Concluding his arguments, learned counsel submitted that the injuries were not on vital parts of the body of the complainant and, therefore, even otherwise no offence under Section 307 IPC was not made out. It has also been contended that the seat of the injuries would show that the complainant was standing whereas in his statement he has stated that he was sitting. Learned counsel has submitted that since the prosecution had failed to prove its case beyond reasonable doubt, the appeal deserves to be allowed and the judgment, passed by the learned trial Court deserves to be set aside.

13. Learned counsel representing appellant No.2 have also argued on the same lines. In addition, it has been stated that there was blackening of the wounds which happen only when the shots are fired from a close distance. It has been submitted that as per the case of the complainant, the shots had been fired from a distance of 5 to 10 paces and, therefore, this version does not match the opinion of the doctor which was given as Ex.PA. It has been contended that no recovery was made from appellant No.2 and, therefore, he cannot in any manner be connected with the offence. It has been submitted that prosecution has not been able to show as to how the complainant managed to identify the accused on a cold November night at about 10:40

p.m. It has also been submitted that there is no link evidence and in view of Pawan not having supported the case of the prosecution, the judgment under challenge is not sustainable. Reference has also been made to the statement of DW1 Kuldeep Singh and DW2 Anil as also documents Ex.D1 and D2 and has submitted that this evidence proves that appellant No.2 was not present at the spot at all. It has been contended that the judgment under challenge is, therefore, not sustainable and deserves to be set aside.

14. Opposing the arguments and supporting the judgment of the learned trial Court, Ms. Kirti Singh, learned Deputy Advocate General, Haryana has submitted that the judgment passed by the learned trial Court is based upon proper appreciation of evidence, both oral and documentary. It has been contended that the version of complainant Parmod was inconsistent at the initial stage as also when he stepped into the witness box as PW-17. Learned counsel has submitted that the name of appellant No.1 was Randeep @ Kala @ Bagra as was found during the investigation and mentioned by the Investigating Agency in its final report. It has been argued that the objection has been raised for the sake of raising an objection and that there is no merit in the same. Learned State counsel has countered each and every argument addressed by learned counsel for the appellants and has submitted that the judgment passed by the learned trial Court deserves to be upheld.

15. I have considered the arguments addressed by learned counsel for the parties.

16. The alleged incident, as per the prosecution, took place on 25.05.2011 at about 10:40 p.m. The injured-complainant Parmod (PW17) was initially taken to the General Hospital, Jind. He was initially examined

by PW1 Dr. Dinesh, who, at the relevant time was posted as a Medical Officer in General Hospital, Jind. As per his affidavit Ex.PA, the injured was examined at about 11:45 p.m. and he had come with his alleged history of injuries by firearm leading to multiple injuries. The following injuries were noticed at the time of his medico legal examination:-

1. LW right arm anterior surface size 1.8 x 1.5 cm with charring of margin black and inverted of depth ? Advised X ray and surgeon opinion.
2. LW right arm posterior surface size 1.9 x 1.6 cm with margin averted of depth ? Advised X ray and surgeon opinion.
3. LW right lower back, 1.1 cm lateral to mid line, size 1.7 x 1.5 cm with cherring of margin black and inverted of depth ? Advised X ray and surgeon opinion.
4. LW left thigh back size 1.7 x 1.5 cm with charring of margin black and inverted of depth ? Advised X ray and surgeon opinion.
5. LW left thigh anterior surface size 1.8 x 1.6 cm with margin averted of depth ? Advised X ray and surgeon opinion.

17. The MLR was also produced on record as Ex.PB. The injured was referred to PGIMS, Rohtak where he was examined by PW29 Dr. Nishant Jain. He deposed that Parmod was admitted in PGIMS, Rohtak on 26.05.2011 at about 1:20 a.m. His X-ray was conducted. However, at 5.50 a.m., he left the hospital against medical advice with the consent of his brother Mandeep. The statement of Parmod is on record as Ex.PS. As per the same, the statement was recorded by PW13 ASI Ram Mehar Singh on 26.05.2011 at 3:00 a.m. The FIR EX.PG shows that information in the police

station was received on 26.05.2011 at 6:15 a.m. The statement was, therefore, recorded merely after about 4½ hours of the incident. There is, therefore, absolutely no delay in registration of the FIR. Afterall, a person suffered fire arm injuries. He was taken to the local hospital where he was examined at about 11:45 p.m. i.e. one hour after the alleged incident. He was referred to PGIMS, Rohtak where he reached at 1:20 a.m. and statement was recorded at 3:00 a.m. The contention of the learned counsel for the appellants that there was a delay in registration of the FIR, therefore, falls to the ground.

18. The injured-complainant Parmod stepped into the witness box as PW17 and deposed about the entire incident in detail. His version in Court is the same as the version in his initial statement Ex.PS. Minor variations here or there would be of no consequence. This Court has found the statement of Parmod to be truthful and the same inspires confidence. No doubt PW15 Pawan, who is alleged to have been present with Parmod at the time of the incident has not supported the case of the prosecution. However, this alone would not be sufficient to conclude that the prosecution was not able to prove its case against the accused beyond reasonable doubt. It is settled law that the statement of an injured witness is to be believed if the same inspires confidence. An injured witness cannot be termed to be an interested witness.

19. The question regarding the weight to be attached to the evidence of an injured witness was examined by the Hon'ble Apex Court in the case of **Mukesh and another vs. State of NCT of Delhi and others 2017 AIR (SC) 2161**. After examining the law on the subject, the Hon'ble Apex Court held that the testimony of the injured witness is accorded a special status in law.

This is as a consequence of the fact that the injury to the witness is an inbuilt

guarantee of his presence at the scene of the crime and because the witness will not want to let his actual assailant go unpunished merely to implicate a third party for the commission of the offence. It was held that the deposition of the injured witness should be relied upon unless there are strong grounds for rejection of his evidence on the basis of major contradictions and discrepancies therein. While arriving at this conclusion, the Hon'ble Supreme Court observed as under:-

"31. We may merely refer to **Abdul Sayeed v. State of M.P.(2010)10 SCC 259** where this Court held as under: (SCC pp.271-72, paras 28-30)

"28. The question of the weight to be attached to the evidence of a witness that was himself injured in the course of the occurrence has been extensively discussed by this Court. 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 a built-in 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 ***Ramlagan Singh v. State of Bihar(1973) 3 SCC 881*** , ***Malkhan Singh v. State of U.P.(1975) 3 SCC 311*** , ***Machhi Singh v. State of Punja b (1983) 3 SCC 470*** , ***Appabhai v. State of Gujarat 1988 Supp SCC 241*** , ***Bonkya v. State of Maharashtra (1995) 6 SCC 447*** , ***Bhag Singh v. State of Punjab (1997) 7 SCC 712*** , ***Mohar v. State of U.P.(2002) 7 SCC 606 (SCC p. 606b-c)*** , ***Dinesh Kumar v. State of Rajasthan(2008) 8 SCC 270*** , ***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*** .]

29. While deciding this issue, a similar view was taken in

Jarnail Singh v. State of Punjab(2009) 9 SCC 719 where this Court reiterated the special evidentiary status accorded to the testimony of an injured accused and relying on its earlier judgments held as under: (SCC pp. 726-27, paras 28-29)

28. Darshan Singh (PW 4) was an injured witness. He had been examined by the doctor. His testimony could not be brushed aside lightly. He had given full details of the incident as he was present at the time when the assailants reached the tubewell. In ***Shivalingappa Kallayanappa v. State of Karnataka 1994 Supp (3) SCC 235*** this Court has held that the deposition of the injured witness should be relied upon unless there are strong grounds for rejection of his evidence on the basis of major contradictions and discrepancies, for the reason that his presence on the scene stands established in case it is proved that he suffered the injury during the said incident.

29. In ***State of U.P. v. Kishan Chand(2004) 7 SCC 629*** a similar view has been reiterated observing that the testimony of a stamped witness has its own relevance and efficacy. The fact that the witness sustained injuries at the time and place of occurrence, lends support to his testimony that he was present during the occurrence. In case the injured witness is subjected to lengthy cross-examination and nothing can be elicited to discard his testimony, it should be relied upon (vide ***Krishan v. State of Haryana (2006) 12 SCC 459***). Thus, ***we are of the considered opinion*** that evidence of Darshan Singh (PW 4) has rightly been relied upon by the courts below.'

30. The law on the point can be summarised to the effect that the testimony of the injured witness is accorded a special status in law. This is as a consequence of the fact that the injury to the witness is an inbuilt guarantee of his presence at the scene of the crime and because the witness will not want to let his actual assailant go unpunished merely to falsely implicate a third party for the commission of the offence. Thus, the deposition of the injured witness should be relied

upon unless there are strong grounds for rejection of his evidence on the basis of major contradictions and discrepancies therein."

20. It is also settled law that it is not the quantity of the evidence which has to be looked into but is the quality of evidence which has to be considered. Reference in this regard can be made to **Krishna Mochi and others Versus State of Bihar etc., 2002 (2) RCR (Criminal) 567**, wherein it was held by Hon'ble Supreme Court that conviction can be recorded on the basis of evidence of a single witness which suffers from no infirmity as evidence is to be considered on the basis of its quality and not quantity. A similar view was also taken by the Hon'ble Supreme Court of India in the case **Marwadi Kishor Parmanand Vs. State of Gujarat, 1994(2) RCR 391 (S.C.)**. In **Asharam Tiwari Vs. State of Madhya Pradesh, 2021(2) SCC 608: 2021**, it was held by the Hon'ble Supreme Court that the quality of the evidence and not the number of witnesses i.e. relevant. In this case the two main witnesses whose testimony had been placed reliance upon were both injured witnesses and the deceased was their own minor son. Another witness was the son of the second deceased and no other independent witness was examined. It was under these circumstances that the Hon'ble Apex Court, while relying upon the statements of these witnesses took the aforesaid view. A similar view was taken by the Hon'ble Supreme Court of India in **Amar Singh Vs. The State (NCT of Delhi) 2020 AIR (SC)4894 : 2020**.

As has been observed in the previous paragraph, the sole statement of injured Parmod has been found to be truthful and, therefore, there is no reason for discarding the same.

21. The fact that the empty shells recovered from the spot did not match with the firearms recovered from the accused would also be of no consequence because the accused were arrested many days after the incident and, under the circumstances, they may have been carrying different firearms. It has come on record and the same cannot be overlooked that both sides had criminal backgrounds. Though, neither the accused nor the complainant can adversely commented upon because of their previous conduct, the same can definitely be taken note of and it can safely be concluded that both sides seemed to be in the habit of carrying firearms and, therefore, carrying different firearms when they were arrested, cannot be ruled out.

22. It would be essential to notice here that the injured-complainant suffered firearm injuries and was lucky to have survived. He could very well have died from the serious injuries. It would then have been a blind murder case. Luckily for the injured and unluckily for the accused, injured-complainant Parmod survived and disclosed about the incident to the police.

23. The arguments regarding the name of appellant No.1 not having been taken by the injured-complainant is devoid of merit. The prosecution itself has named the appellant No.1 as Randeep @ Kala @ Bagra. Further, no evidence has been led by appellant No.1 to prove that he was not called by these names. No benefit can, therefore, be given to him on this account.

24. The non-holding of test identification parade would also not be of relevance because the injured-complainant already knew the accused and recognized them. Further, he identified them in the Court. Even otherwise, the non-conducting of a test identification parade is at best, a result of defective investigation, for which, no benefit can be given to the accused. It

was held by the Hon'ble Supreme Court of India in **Yogesh Singh Vs. Mahabeer Singh and others, 2016(4) RCR (Criminal) 753 (S.C.)** that defective investigation by itself cannot be a ground for acquittal. It was held that in such cases, there is a legal obligation on the part of the Court to examine the prosecution evidence de-horse such lapses, carefully, to find out whether the said evidence is reliable or not and to what extent it is reliable and as to whether such lapses affected the object of finding out the truth. Reliance may also be placed on the case reported as **Karan Singh Versus State of Haryana, 2013 (4) RCR (Crl.) 205**, wherein it was held by the Hon'ble Supreme Court of India that unless lapses made on the part of investigating authorities are such, so as to cast a responsible doubt on the case of the prosecution, or seriously prejudice the defence of the accused, the court would not set aside the conviction of the accused merely on the ground of tainted investigation. In **Gajoo Vs. State of Uttarakhand, 2013 (1) Criminal Court Cases 393**, it has been held by the Hon'ble Supreme Court of India that a defective investigation, unless affects the very root of the prosecution case and is prejudicial to the accused, should not be an aspect of material consideration by the court. In **Abu Thakir and others Vs. State rep. by Inspector of Police, Tamil Nadu, 2010 (2) Criminal Court Cases 334**, the Hon'ble Supreme Court of India held that even if the investigation is illegal or even suspicious, the rest of the evidence must be scrutinized independently of the impact of it. Criminal justice should not be made a casualty for the wrongs committed by the investigating officers in the case. If the Court is convinced with the testimony of a witness to the occurrence to be true, the Court is free to act on it albeit the investigating officer's suspicious

role in the case.

25. It is also settled law that the failure to hold a test identification parade would not make the identification of the accused in Court inadmissible. It is also settled law that merely because no test identification parade has been conducted, it cannot be a ground for throwing out the evidence of identification of an accused in Court when evidence of the witness on the question of identity of the accused is found to be credible.

26. In view of the above, this argument is also rejected.

27. The argument about the motive projected by the complainant does appeal to some extent. However, it does not create a sufficient dent in the case of the prosecution. Considering the statement of the injured given to the police and thereafter in the Court alongwith the medical and ocular evidence which has been led on record by the prosecution, the absence of finer details with regard to the auction in which the injured had participated one month prior to the incident would pale into insignificance.

28. The FSL report also does not help the defence because admittedly the firearms were recovered many days after the incident and it is nobody's case that these were the same firearms which were used in the incident.

29. The argument that the injuries were not on vital parts of the body of the complainant and, therefore, no offence under Section 307 IPC would be made out, is also devoid of merit. Firing three gun shots at a person after aiming at him clearly gives out the intention and even otherwise a gun shot even on a non-vital part can cause death. Minor contradictions in the statements of witnesses with regard to place of the occurrence, time of the

occurrence, whether the injured was sitting or standing, the coming of the mother and cousin of the injured to the spot etc. would also not cause a dent in the case of the prosecution.

30. Further, minor inconsistencies in the statements of the witnesses as pointed out are of no consequence. **In the case of Yogesh Singh Vs. Mahabeer Singh and others, 2016(4) RCR (Criminal) 753 (S.C.)**, the Hon'ble Supreme Court of India laid down that minor discrepancies in the evidence should not be given undue emphasis and that the evidence is to be considered from the point of view of trustworthiness. It was laid down by the Hon'ble Supreme Court of India as under:-

“29. It is well settled in law that the minor discrepancies are not to be given undue emphasis and the evidence is to be considered from the point of view of trustworthiness. The test is whether the same inspires confidence in the mind of the Court. If the evidence is incredible and cannot be accepted by the test of prudence, then it may create a dent in the prosecution version. If an omission or discrepancy goes to the root of the matter and ushers in incongruities, the defence can take advantage of such inconsistencies. It needs no special emphasis to state that every omission cannot take place of a material omission and, therefore, minor contradictions, inconsistencies or insignificant embellishments do not affect the core of the prosecution case and should not be taken to be a ground to reject the prosecution evidence. The omission should create a serious doubt about the truthfulness or creditworthiness of a witness. It is only the serious contradictions and omissions which materially affect the case of the prosecution but not every contradiction or omission. (See **Rammi @ Rameshwar v. State of M.P., 1999(4) R.C.R.(Criminal) 246 : (1999) 8 SCC 649; Leela Ram (dead) through Duli Chand v. State of Haryana and Another, 1999(4) R.C.R.(Criminal) 588 : (1999) 9 SCC 525; Bihari Nath Goswami v. Shiv Kumar Singh & Ors., (2004) 9 SCC 186; Vijay @ Chinee v. State of Madhya Pradesh, 2010(3) R.C.R.(Criminal) 794 : 2010(4) Recent Apex Judgments (R.A.J.) 330 : (2010) 8 SCC 191; Sampath Kumar v. Inspector of Police, Krishnagiri, 2012(2) R.C.R.(Criminal) 231 : 2012(1) Recent Apex Judgments (R.A.J.) 452 : (2012) 4 SCC 124; Shyamal Ghosh v.**

State of West Bengal, 2013(1) R.C.R.(Criminal) 770 : 2013(1) Recent Apex Judgments (R.A.J.) 202 : (2012) 7 SCC 646 and Mritunjoy Biswas v. Pranab @ Kuti Biswas and Anr., 2014(1) R.C.R.(Criminal) 1 : 2013(6) Recent Apex Judgments (R.A.J.) 528 : (2013) 12 SCC 796).

30 to 43. *****

44. In the present case, we do not find any major contradiction either in the evidence of the witnesses or any conflict in medical or ocular evidence which would tilt the balance in favour of the respondents. The minor improvements, embellishments etc., apart from being far yield of human faculties are insignificant and ought to be ignored since the evidence of the witnesses otherwise overwhelmingly corroborate each other in material particulars.”

31. No reliance is being placed upon the statements of Jagdeep (PW8) and Dropati (PW9), mother and brother of injured respectively because their evidence is hearsay evidence and, as also observed, this Court finds the statements of injured-complainant PW17 Parmod alone to be sufficient to prove the case of the prosecution.

32. In view of the aforesaid, this Court does not find any merit in the present appeal and the same is hereby dismissed. Necessary consequences to follow.

(VIKRAM AGGARWAL)
JUDGE

29.03.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No