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

(I) CRM-A-137-MA-2013
Reserved on: 15.03.2023
Date of decision: 23.03.2023

CBI

...Appellant

Versus

KIRAN MISHRA & ANOTHER

...Respondents

(II) CRM-A-768-MA-2012

CBI

...Appellant

Versus

KIRAN MISHRA AND OTHERS

...Respondents

(III) CRM-A-555-MA-2013 (O&M)

CBI

...Appellant

Versus

SANJIV KUMAR AND ANOTHER

...Respondents

(IV) CRR-663-2013 (O&M)

CBI

...Petitioner

Versus

SANJEEV KUMAR AND OTHERS

...Respondents

(V) CRR-669-2013 (O&M)

CBI

...Petitioner

Versus

SANJEEV KUMAR AND OTHERS

...Respondents

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

Present: Mr. Rajeev Anand, Advocate
for the applicant-appellant/petitioner.

Mr. M.K. Bhardwaj, Advocate for
Mr. G. S. Sandhu, Advocate
for respondent No.1 (in CRM-A-137-MA-2013 and
CRM-A-768-MA-2012) and
for respondent No.2 (CRM-A-555-MA-2013 and
CRR-663-2013 and CRR-669-2013).

Mr. Hitesh Malik, Advocate
for respondent No.1 (in CRM-A-555-MA-2013)

Mr. Amit Siwach, Advocate for
Mr. Vikram Singh Punia, Advocate
for respondent No.2 in CRM-A-768-MA-2012.

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SURESHWAR THAKUR, J.

1. Since criminal appeals bearing Nos.CRM-A-137-MA-2013, CRM-A-555-MA-2013 and CRM-A-768-MA-2012 arise from a common verdict made on 15.02.2012, upon CC Case No.04 of 06.01.2009, by the learned Special Judge, CBI Court, Chandigarh. The learned trial Judge concerned, through the impugned verdict made a finding of acquittal qua the accused, in respect of the charges as became framed against them. Both the revision petitions also arise from a common verdict made on 28.09.2012, upon CC Case No.412 of 18.10.2010 by the learned Special Judge, CBI Court, Chandigarh. Through the verdict (supra), the learned trial Judge concerned, discharged the accused, without even framing of charges. Since all the appeals and the revision petitions relate to a common FIR, therefore, all the appeas and revision petitions are amenable for a common verdict being made thereons.

FACTUAL BACKGROUND

2. The charges were framed on the ground, that during 1999-2000 at Jind accused agreed with each other to cheat office of DPC, Jind to commit misconduct and in furtherance of conspiracy Smt. Kiran Mishra after having obtained administrative and financial sanction of SPD for purchase of folders

for Rs.16,200/-, hiring of taxis for Rs.12,000/- and transportation charges for Rs.7,000/- handed over blank letterheads of M/s. Friends Enterprises, M/s. Efficient Printers, M/s. Tizarte Enterprises and blank bill of M/s. Friends Enterprises to Jai Paul Bhatnagar, Jai Paul Bhatnagar prepared false letters for calling quotations, false quotations of M/s. Friends Enterprises, M/s. Efficient Printers and M/s. Tizarte Enterprises, false comparative chart, false supply order and false bills of Rs.16,200/- for purchase of pamphlets purported to have been submitted. Smt. Kiran Mishra endorsed on the false bill for Rs.16,200/- "verified and paid by us" on bill dated 04.10.1999. Smt. Kiran Mishra directed JP Bhatnagar to prepare false quotation of M/s. Himalaya Tours and Travels, M/s. Smart Taxi Service, M/s. Ganpati Travels'. JP Bhatnagar prepared comparative chart. Smt. Kiran Mishra obtained signature of Shri Vishnu Dutt and Smt. Sushila Dalal on false comparative chart. JP Bhatnagar prepared false bill of M/s. Himalaya Tours and Travels for Rs.7,150 dated 02.10.1999 and Rs.4,850/- dated 02.10.1999 for hiring of taxi. Smt. Kiran Mishra showed a cash payment of Rs.12,000/- to M/s. Himalaya Tours & Travels a firm is not in existence. Smt. Kiran Mishra and Shri JP Bhatnagar forged receipt of Rs.7,000/- for transport of flowers for transportation charges from Chandigarh to Gurgaon. Smt. Kiran Mishra endorsed "verified and paid by us" on bill of Rs.500/- of M/s. Gulshan flowers and decorations Gurgaon.

3. Secondly, Smt. Kiran Mishra in 1999-2000 at Jind cheated DPC, Jind by dishonestly inducing them to pay Rs.35,700/- by submitting false quotations of M/s Friends Enterprises, M/s. Tijarte Press and M/s. Efficient Printers and false comparative chart, placed a supply order for pamphlets and used a bill purported to have been issued by M/s. Friends Enterprises for Rs.16,200/-, Kiran Mishra endorsed on the bill "verified and paid by us". Smt. Kiran Mishra directed Shri Jai Paul Bhatnagar to prepare false comparative chart

and bill dated 01.10.1999 for Rs.7,150/-, bill dated 02.10.1999 for Rs.4,850/- towards hiring of taxi purported to be issued by M/s. Himalaya Tours and Travels, CW-56 Tibiya College, Karol Bagh, New Delhi, receipt of Rs.7,000/- purported to be issued by M/s Chandigarh Mazda Transport Union towards transportation charges from Chandigarh to Gurgaon, which was prepared by Jai Paul, Head Clerk on direction of Smt. Kiran Mishra and Smt. Kiran Mishra got prepared a false bill of Rs.500/- by Shri Jai Paul Bhatnagar purported to be issued by M/s. Gulshan Flowers and decoration and endorsed “verified and paid by us".

4. Thirdly and fourthly in 1999 at Jind accused forged certain documents purported to be a valuable security namely quotations by M/s. Friends Enterprises, M/s. Tijarte Press and M/s Efficient Printer and bill of Rs.16,200/- dated 04.10.1999. Smt. Kiran Mishra falsely endorsed on bill "verified and paid by us". Shri Jai Paul Bhatnagar prepared forged quotation of M/s. Himalaya Tours and Travel CW-56, Tibiya College, Karol Bagh and forged bill dated 01.10.1999 for Rs.7,150/-, bill dated 02.10.1999 for Rs.4,850/-, receipt of Rs.7,000/- of M/s. Chandigarh Mazda Transport Union and the bill of Rs.500/- of M/s. Gulshan Flowers and Decoration. Smt. Kiran Mishra endorsed "verified and paid by us" as well as intended that it shall be used for purpose of cheating.

5. Fifthly, in 2000 at Jind accused fraudulently used as genuine certain documents namely quotations of M/s. Friends Enterprises, M/s. Tijarte Press and M/s. Efficient Printer and bill of Rs.16,200/- dated 04.10.1999. Smt. Kiran Mishra falsely endorsed bill "verified and paid by us". Used quotation of M/s. Himalaya Tours and Travel CW-56, Tibiya College, Karol Bagh and bill dated 01.10.1999 for Rs.7,150/-, bill dated 02.10.1999 for Rs.4,850/-, receipt of for Rs.7,000/- by M/s. Chandigarh Mazda Transport Union, and the bill of Rs.500/-

of M/s Gulshan Flowers and Decoration. Smt. Kiran Mishra endorsed "verified and paid by us" which she knew at the time when used it to be a forged document.

6. Sixthly, both accused being public servants by corrupt or illegal means by otherwise abusing their position obtained for themselves pecuniary advantage to the extent of Rs.35,700/- from DPC, Jind.

7. Brief facts of the case are that Hon'ble Supreme Court of India vide order dated 25.11.2003 in Writ Petition (Criminal) No.93/2003 titled as Sanjiv Kumar Versus State of Haryana, directed the CBI to take up investigation of Enquiry No.38 dated 20.09.2001 of the State Vigilance Bureau, Haryana, Chandigarh relating to financial irregularities allegedly committed by Sanjiv Kumar in purchase of various items. The enquiry was registered on basis of letter of the Chief Secretary, Government of Haryana, Chandigarh. It was alleged that Accounts Officer has noticed serious financial irregularities in purchase of various items. A copy of press cutting of Dainik Bhaskar was attached. The complaint mentioned that DPEP office made suspicious purchases of items in 58 instances from April, 1999 to March 2000.

8. In compliance of Courts order FIR No.RC2(A)/2005/ACU-IX dated 16.02.2005, under Sections 120-B read with 420, 468, 471 IPC and 13(1)(d) read with Section 13(2) of the Act, was registered in Police Station, CBI/ACU-IX/New Delhi. FIR was against Sanjiv Kumar, IAS, State Project Director (SPD). Haryana Prathmik Shikha Paryojana Parishad (HPSPP), Smt. Kiran Mishra, Raj Kumar Sharma and other unknown persons. It was alleged that in pursuance to conspiracy accused committed irregularities in purchase of various items worth Rs.1,06,64,815/- as revealed from audit report excluding irregularities committed in purchase of video films worth Rs.56,10,292/- made by DPEP, Jind. Audit report mentioned various irregularities alleging that proper

procedure such as calling of tender, examination of budget provisions and using local quotations instead of postal ones was not followed. Purchases were made without proper tenders. Procurement of material was made at higher rates and some materials which were not necessary were purchased. Purchased items were not properly accounted for in the stock register.

9. Investigation disclosed that HPSPP is a society registered under Societies Registration Act, 1960. It acts as an autonomous and independent body for implementation of District Primary Education Project (DPEP). The project was implemented from 1994-95 in State of Haryana. The project was with 85% financial assistance from World Bank routed through Government of India and 15% share of State Government. The funds for DPEP were allocated by the Government of India on annual basis. DPEP Manual contained procedure and financial regulations for various purchases under DPEP programme. In 1998 the programme was implemented in seven Districts namely Kaithal, Jind, Sirsa, Hisar, Bhiwani, Mahendergarh and Gurgaon.

10. Smt. Kiran Mishra was working as District Project Coordinator, DPEP, Jind. She was holding charge of Deputy Director Media during 1999-2000. Sh Jai Paul Bhatnagar was Head Clerk in office of District Project Coordinator, Jind.

11. Shri R.D. Verma submitted an audit report after auditing account of DPEP, Jind for the period 1999-2000 and 2000-2001. Objections pointed out irregularities in various purchases. The audit objection No.17 was as follows. “Rs.6,43,300/- files with DD Media". Smt. Kiran Mishra on 07.09.1999 initiated note stating that World Bank Team for an in depth review is expected to visit Gurgaon in second week of October, 1999 and solicited approval of SPD to incur a sum of Rs.2,27,000/- i.e. Rs.2,00,000/- for preparation of folder and poster, Rs.7000/- carriage charges for sending material from Chandigarh to

Gurgaon, Rs.12,000/- for hiring of Tata Sumo for two trips Chandigarh to Gurgaon, Rs.3,000/- taxi for four days for arrangement etc. and Rs.5,000/- miscellaneous.

12. DPC, Jind purchased pamphlets worth Rs.16,200/- from M/s Friends Enterprises. Quotations were collected from three firms i.e. M/s Friends Enterprises, M/s. Efficient Printer and M/s. Tijarte Press. Two Committee Members Smt. Sushila Dalal and Shri Vishnu Dutt, DPC stated that Smt. Kiran Mishra had personally brought quotations and comparative chart to them and made them simply sign. Smt. Kiran Mishra placed order for supply of material on 02.10.1999 (National holiday) to M/s. Friends Enterprises, M/s. Friends Enterprises raised a bill of Rs.16,200/- on 04.10.1999, payment was made in cash by Smt. Kiran Mishra and she endorsed on bill "verified and paid by us".

13. Shri Raj Kumar Sharma floated firm M/s Friends Enterprises in name of his wife Smt. Neelam Sharma. Raj Kumar Sharma denied submission of quotations and bill dated 04.10.1999 on behalf of firm regarding supply and receipt of payment of Rs.16,200/-.

14. Smt. Kiran Mishra gave blank letter heads of all three firms and blank bill of M/s. Friends Enterprises to Jai Paul Bhatnagar who prepared false letter calling quotations, false quotations, false comparative chart, supply order and false bills for Rs.16,200/- on directions of Smt. Kiran Mishra. Government Examiner of Questioned Documents (GEQD) opined corroborating above facts.

15. Smt. Kiran Mishra in conspiracy with Jai Paul Bhatnagar manipulated purchase of pamphlets by using false documents. Smt. Kiran Mishra showed cash payment of Rs.12,000/- to M/s. Himalaya Tours & Travels vide two bills dated 01.10.1999 and 02.10.1999 of Rs.7,150/- and Rs.4,850/- respectively towards hiring of taxi. Pawan Kaushik resident of address, denied running of firm M/s Himalaya Tour & Travels and denied submission of any

quotation and having received any payment from DPC, Jind for any taxi service. The quotations of three firms had signatures of Smt. Kiran Mishra, Vishnu Dutt Sharma and Smt. Sushila Dalal. Shri JP Bhatnagar, Head Clerk prepared comparative chart and false bills of M/s. Himalaya Tours & Travels on directions of Smt. Kiran Mishra. GEQD opined that bills and comparative chart were prepared by Jai Paul Bhatnagar. Vishnu Dutt Sharma and Smt. Sushila Dalal stated that entire affairs were managed by Smt. Kiran Mishra and their signatures were obtained by her.

16. Shri Naresh Kumar denied having submitted quotations to DPC on behalf of firm M/s Smart Taxi Service. Dharmender Kumar Pappu denied running of firm M/s. Ganpati Travels. Smt. Kiran Mishra in connivance with JP Bhatnagar misappropriated Rs.12,000/- by showing payment to M/s. Himalaya Tours & Travels.

17. Investigations into audit objection No.17 revealed that receipt of Rs.7,000/- of M/s. Chandigarh Mazda Transport Union (Regd.) towards transportation charges were disowned by the firm. GEQD opined that receipt had handwriting of Jai Paul Bhatnagar. Smt. Kiran Mishra had shown payment. Receipt of Rs.500/- of M/s. Gulshan Flowers and Decoration is forged by Jai Paul Bhatnagar. GEQD opined same. Smt. Kiran Mishra in connivance with JP Bhatnagar misappropriated and Rs.7000/- and Rs.500/- towards transportation charges and purchase of flowers.

18. The State Project Director, HPSPP being competent authority granted sanction for prosecution of accused Jai Paul Bhatnagar. Since Smt. Kiran had ceased to be a public servant as such no sanction for prosecution was required.

19. On completion of investigation, challan/ final report under Section 173 Cr.P.C., against accused Smt. Kiran Mishra, and, against Shri Jai Paul

Bhatnagar under Section 120-B read with Sections 420, 468, 471 IPC and under Section 13(1)(2) r/w 13(1)(d) of the Act, was filed in court on 31.12.2008.

TRIAL PROCEEDINGS

20. The prosecution examined as many as 13 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., whereins, the accused pleaded innocence, and, claimed false implication. In defence, the learned defence counsel examined 7 defence witnesses.

SUBMISSIONS OF THE LEARNED COUNSEL APPEARING FOR CBI

21. The learned counsel for the CBI has contended before this Court, that the appreciation of evidence as made by the learned trial Judge concerned, is tainted with a vice of gross mis-appreciation, and non-appreciation of evidence, therefore, he has argued that the impugned verdict of acquittal be quashed, and, set aside. He has also argued that the impugned verdict drawn on 28.09.2012 is also required to be interfered with.

SUBMISSIONS OF LEARNED COUNSEL FOR THE RESPONDENTS

22. On the other hand, the learned counsel for the respondents, has vigorously contended before this Court, that the impugned verdict of acquittal, is well merited, as the same is planked upon a worthy appraisal of the evidence germane to the charges. Moreover, he has also submitted that the order of discharge as made by the learned trial Judge on 28.09.2012 is also required to be affirmed, and, upheld.

23. For the reasons to be assigned hereinafter this Court finds no merit in the appeals/petitions (supra) and is constrained to dismiss them.

(I) ANALYSIS OF DEPOSITION OF PW-1 AND PW-3

24. As aptly concluded by the learned trial Judge concerned, the accused had successfully propagated an able exculpatory plea, that the payments as were made to the concerned, were hence made for work done by each of them. The said conclusions are firmly rested, upon, an examination of the testification of PW-1, one Ashok Kumar Dahiya, who in his cross-examination had spoken, that at the relevant time there may be Smarat Taxi Service in Gargaon. Moreover, it is also rested upon the speakings made by PW-3 one Sushila Dalal, in her cross-examination, wherein she expressed that pamphlets were printed and slogans were written on the walls. Moreover, she has also spoken, that it was the duty of the office of the DPC Gurgaon, to provide vehicles to the members of World Bank Team, for visiting the places. Furthermore, she has also spoken, that vehicle on hire basis were also used for taking the officials of the DPEP from one place to another. She further spoken about accused Kiran Mishra making official visits in the DPC, Gurgaon besides speaks qua programme(s) under DPEP are to be implemented, and, for which quotations are to be collected at the DPC, Gurgaon. In addition, she has also spoken that flowers were purchased to welcome the members of the World Bank team. Moreover, when the said speakings made by PW-3, in her cross-examination, are also corroborated by PW-4 through the latter making alike speakings in his cross-examination. In addition, when he also speaks that statements Ex.PW-3/1 and Ex.PW-3/5 were drawn correctly from the quotations. Further when he also speaks that works were actually performed by the concerned, but in pursuance to the said lawful quotations being invited. Consequently, in the face of the above, and, with PW-6 Neeraj Sharma, in his cross-examination admitting, that some of his friends may have used his letter head Ex.PW-6/1, for the issuance of bill, besides when PW-8 Jagdish Arora, in

his cross-examination makes expressions, that the team of the World Bank visited the State of Haryana in the month of October, 1999. In addition, with his also making speaking in his cross-examination, that as per his knowledge folders and posters were prepared regarding the visit of the World Bank, and, that such posters, folders and other materials were transported from Chandigarh to Gurgaon rather for ensuring that the schemes of the World Bank are ensured to be executed. With his also speakings that the bills were passed by the Section Officer and all payments were made through cheque and payments through cash were not made, besides with his also speakings that no audit objection was raised by any audit team with respect to advances disbursed by him, to any of the officials concerned. Tritely also when he speaks that he had written, that the State Project Director, Haryana authorizing Kiran Mishra to take advances from DPC for different activities.

<u>CONCLUSIONS FROM THE ABOVE DEPOSITIONS AND FROM THE DEPOSITION OF PW-13</u>

25. Therefore, when there is also further exculpatory evidence voiced by PW-13 that there is no candid evidence in display that Ashok Kumar Dahiya and Pawan Kumar Kaushik, were personally known to accused Kiran Mishra and JP Bhatnagar, nor when he has spoken about any verification being made about the existence of firm M/s Friends Enterprises. Therefore, when he has spoken that the spendings of amounts, was not disputed in the audit report, as is carried in Ex.DW-6/A nor also when he did not evidently send the signatures of Sanjay Enterprises on PW-3/3, signatures for Tijarte Press on Ex.PW-3/4, signatures of Himalaya Tours on Ex.PW-2/2, signatures of Ravinder and Prabhu available on Ex.PW-2/3, signatures available at point B on Ex.PW-6/1, and, signatures of Gulshan on Ex.PW-11/7, to the handwriting expert for any opinion. Thus, since the payments to the concerned, were made through cash therefore, when there is no further evidence that the accused encashed the

cheques from the banks where such cheques were presented. Consequently, when even otherwise, as stated above, the moneys were spent for works performed or done. Therefore, the conclusions as drawn by the learned trial Judge concerned, do not require any interference.

26. Moreover, as aptly concluded by the learned trial Judge concerned, the charges drawn against the accused for offences punishable under Sections 120-B, 420, 467, 468, 471 of the IPC, and, Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988, did not come to be cogently established. Preponderantly also when PW-13 one Surinder Kumar rather has spoken that there was no investigation regarding the persons who signed the bills Ex.PW-2/2, Ex.PW-2/3, quotations Ex.PW-3/2 to Ex.PW-3/4, quotations for hiring cars Ex.PW-4/1 and Ex.PW-4/2, receipts Ex.PW-6/1, bills Ex.PW-8/1, quotations Ex.PW-11/5 and Ex.PW-11/6 and bills Ex.PW-11/7, with body writing in hand of accused Jai Paul Bhatnagar, and, endorsement "verified and paid by us", in the handwriting of accused Kiran Mishra. Therefore, the amounts as carried thereins also cannot be stated to be encashed or embezzled by the accused concerned.

DISMISSAL OF REVISION PETITION Nos.CRR-663-2013 AND CRR-669-2013 AS ARISE FROM THE DECISION MADE ON 28.09.2012 BY THE LEARNED SPECIAL JUDGE, CBI COURT, CHANDIGARH

27. Through, the above decision of the learned Special Judge, CBI Court, Chandigarh discharged one Sanjeev Kumar, one, Smt. Kiran Mishra and one, Sushant Kumar Swain in respect of offences punishable under Sections 120-B, read with 471 of the IPC, Section 7 & 13(1)(d) r/w Section 13(2) of the Prevention of Corruption Act, 1988, as were embodied in FIR No.RC-02A/2005 dated 16.02.2005 lodged at Police Station CBI, ACU-IX, New Delhi.

28. The impugned decision (supra), as made by the learned Special Judge, CBI Court, Chandigarh is well founded, as it is planked, upon a minute

analysis of the material collected by the investigating officer. The relevant portion of the impugned order, but reveals that neither any wrongful loss was caused to the Government funds nor any wrongful gain accrued to the accused. The relevant portion of the discussion as carried in paragraph 70 of the impugned verdict, paragraph whereof stands extracted hereinafter. As stated (supra), the said conclusions, do but reveal, qua theirs becoming ably made but on an objective appraisal of the evidence collected by the investigating officer concerned. Thus, the said conclusions do not require any interference being made.

> *"70. From perusal of above material facts, in light of above well settled principles of law, it is evident that the FIR, challan and accompanying documents show that due to various acts of omission and commission, Raj Kumar Sharma was awarded contracts worth Rs.1.98 crores for preparation of video films of lessons of text books, on basis of forged documents, in lieu of bribe of Rupees One Crore to Sanjiv Kumar; Rs.3 lacs, one Sony Handicam and audio music system of Akai to Smt. Kiran Mishra and Rs.80,000/- to Sushant Kumar Swain. Smt. Kiran Mishra had handed over cassettes one year, after her leaving the charge. Relatives of Raj Kumar Sharma namely Smt. Neelam Sharma wife; Jagdish Chander Sharma brother; Smt. Sharda sister; Ashok Bhardwaj brother-in-law; Amit Sharma and Manish Shanna nephews of Raj Kumar Sharma, who had signed forged tender forms, cheques, withdrawal forms and other documents etc., are neither accused nor witnesses in the case. Without above said relatives of Raj Kumar Sharma, it is unnatural that there could be any criminal conspiracy to commit any offence. Accused Raj Kumar Sharma was granted pardon. He was allowed to become an approver. Statement of Raj Kumar Sharma, approver recorded in case through FIR No.RC-2-A of 2004 has been relied in present case. During trial of case through FIR No.RC-2A of 2004, Raj Kumar Sharma stated that work of video filming was negotiated with bribe of 40% of DAVP rates. Further; he stated that he was awarded work at 40%*

less than DAVP rates. He had done work for other government agencies at DAVP rates. Reduction of rate of DAVP by 40% was termed as bribe. The statement of Raj Kumar Sharma, approver in case through FIR RC-2A of 2004 was held to be incredible. Moreover, no costing of work has been got done in present case. In absence of any costing of the work got done under the contract, it cannot be said that there was any wrongful loss of Government funds or wrongful gain by the accused. Allotment of work, as per DAVP rates, is no offence likewise performance of work at cost 40% less than DAVP rates cannot be said to be an offence. Purchase of video films, in performance of contract, had neither caused any wrongful loss to Government funds nor resulted in any wrongful gain to the accused. Accused Smt. Kiran Mishra has been acquitted in case through FIR No.RC-2A of 2005 through Chargesheet No.9. So, it is illogical that there was any criminal conspiracy between Sanjiv Kumar, SPD; Smt. Kiran Mishra, Deputy Director (Media) and Sushant Kumar Swain, Store Keeper as well as other accused to commit acts punishable under penal laws. As such, the FIR, challan and accompanying documents prima facie do not contain ingredients of offences punishable under Section 120-B r/w 471 IPC and Section 7 & 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988. Therefore, if further proceedings are carried out, the same shall lead to miscarriage of justice."

FINAL ORDER

29. Consequently, the verdict of acquittal drawn on 15.02.2012 qua all the accused by the learned trial Judge concerned, in all the appeals as well as the verdict of discharge drawn on 28.09.2012 qua all the accused in both the revision petitions do not require any interference. Thus, the criminal appeals as well as the revision petitions are dismissed.

30. For the reasons assigned hereinabove, the instant appeals/petitions are dismissed, and the impugned verdicts of acquittal/discharge are maintained and affirmed.

31. Bail bonds, if any, are ordered to be forthwith cancelled and discharged. Case property, if any, be dealt with in accordance with law, but only after the expiry of the period of limitation for the filing of an appeal.

32. Records be sent down forthwith.

33. Pending miscellaneous application(s), if any, stand(s), disposed of.

(SURESHWAR THAKUR)
JUDGE

23.03.2023 **(KULDEEP TIWARI)**
Ithlesh **JUDGE**

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