

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.1393 of 2018

Arising Out of PS. Case No.-247 Year-2004 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

Sunil Singh @ Buda Singh, S/o Late Ambica Singh, Resident of Village-
Karath, P.S. Tarari, Distt.-Bhojpur (Ara).

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. Gautam Kejriwal, Advocate Mr. Atal Bihari Pandey, Advocate Mr. Manoj Kumar Singh, Advocate Mr. Alok Kumar Jha, Advocate Mr. Mukund Kumar, Advocate Mr. Akash Kumar, Advocate Mr. Aditya Raman, Advocate
For the Respondent/s	:	Mr. Dilip Kumar Sinha, Addl.PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 03-09-2024

Heard Mr. Gautam Kejriwal, learned counsel for the
appellant and Mr. Dilip Kumar Sinha, learned Additional Public
Prosecutor for the State.

2. This appeal has been preferred for setting aside the
judgment of conviction dated 28.09.2018 (hereinafter referred to
as the ‘impugned judgment’) and the order of sentence dated
04.10.2018 (hereinafter referred to as the ‘impugned order’)
passed by learned Additional District and Sessions Judge, I-cum-
Special Judge (POCSO Act), Muzaffarpur (hereinafter referred to
as the ‘learned trial court’) in Sessions Trial No. 848 of 2009

arising out of Kaji Mohammadpur P.S. Case No. 247 of 2004, G.R. No. 3906 of 2004 registered for the offences punishable under Sections 364A of the Indian Penal Code (in short 'IPC'). By the impugned judgment, the appellant has been convicted for the offences punishable under Sections 364A, 368 and 120B IPC and by the impugned order, he has been ordered to undergo rigorous imprisonment for life with a fine of Rs.10,000/- under Section 364A IPC and in default of payment of fine, further three months' rigorous imprisonment. He has also been ordered to undergo five years rigorous imprisonment with a fine of Rs.5,000/- under Section 368 IPC and in default of payment of fine, further one month rigorous imprisonment. For the offence under Section 120B IPC, he was not awarded any additional sentence.

Prosecution Case

3. The prosecution story is based on the written report dated 30.10.2004 submitted by one Ajit Kumar Trivedi (PW-5), resident of village Jatadih, P.S. Gayaghat, District-Muzaffarpur. In his written report, the informant has stated that his son Dhananjay Kumar Trivedi (PW-8) was residing in the house of Sri Ram Naresh Thakur situated at Kalambagh Chowk, Muzaffarpur on the 2nd Floor, he was pursuing his studies there. The informant came to know from the newspaper, namely, Hindustan published on

30.10.2004 that his son (PW-8) has been abducted and as per the newspaper report, a ransom of Rs.5 lakhs had been demanded. The informant has further stated that there is no place mentioned in the newspaper and after reading the newspaper, when he went to the house of his son and searched him, his co-resident students told him that his son had gone outside on 25.10.2004 at about 11:00 am with two persons and he had not returned till date. The persons with whom his son had gone were not known. The informant claimed that he tried to contact his son on his mobile number on 25.10.2004, mobile rang but the talk could not become possible. In his written report, the informant has further disclosed that a demand for money has been made from his son-in-law whose name is Sanjeev Kumar. The informant provided two mobile numbers in the written report.

4. On the basis of the aforesaid written report, Kaji Mohammadpur P.S. Case No. 247 of 2004 was registered for the offence punishable under Section 364A IPC. Police took investigation of the case and upon investigation, a charge-sheet was filed initially *vide* Charge-sheet No. 17 of 2005 dated 11.02.2005 against Rakesh Kumar Jha, Ajit Singh and Rammunan Mahto @ Munna Singh. The investigation was kept pending against others. Later on, Charge-sheet No. 7 of 2007 dated

23.01.2007 was filed against two accused persons, namely Nandji Singh and Sunil Singh @ Budha Singh (the appellant). On 08.02.2008, the charges were framed against Nandji Singh and the appellant but the records of the appellant were to split off because the appellant absented himself in course of trial.

5. On 12.08.2008, the appellant was released on bail in the light of the order of this Court in Cr. Misc. No. 15395 of 2008. Prior to his release on bail, prosecution had examined four witnesses. But soon thereafter from 04.09.2008, the appellant did not appear and no *pairvi* was made on his behalf. On 08.11.2008, an application was filed on behalf of the appellant to take him on production in this case as he was in Ara Jail in connection with Tarari P.S. Case No. 24 of 2003 and Tarari P.S. Case No. 19 of 2006. The learned trial court issued a production warrant but before that could have been executed, the appellant got acquitted in Tarari P.S. Case No. 24 of 2003 and he got bail in Tarari P.S. Case No. 19 of 2006 as a result whereof the production warrant could not be executed and the court later on recalled the production warrant. It, however, appears that this appellant remained absconding and the prosecution examined PW-5, PW-6, PW-7 and PW-8. The records would show that on some of the dates while *pairvi* on behalf of the appellant was made in the trial

court, on most of the dates no *pairvi* was made and he remained absconding. The prosecution failed to bring any other witness, the evidence of the prosecution was closed on 07.11.2009. Later on, the statement of the co-accused Nandji Singh was recorded under Section 313 CrPC and thereafter, the learned trial court convicted Nandji Singh for the offences punishable under Sections 364A, 368, 120B and 337 IPC. The charge under Section 379 IPC was not proved. The records would show that till the date of the closure of the prosecution evidence in Sessions Trial No. 125 of 2007, this appellant was absconding and non-bailable warrant was pending against him for execution. On 09.11.2009, the records of this appellant was separated. Steps for securing his presence were taken by issuing process under Section 82 CrPC. On 04.11.2015, an application was filed on behalf of this appellant in the trial court that the appellant is in jail in connection with G.R. No. 1738 of 2006, therefore, a production warrant be issued for his production in this case. On 04.12.2015, in compliance of the production warrant, the appellant was produced before the learned trial court, therefore, it is evident that this appellant remained absconding for about 7 years. Later on, he was granted bail by this Court in Cr. Misc. No. 46520 of 2016 and on submission of bail bond, he was released on 15.12.2016.

6. The learned trial court has recorded that before splitting the records of this appellant, the prosecution had examined altogether eight witnesses, after appearance of the appellant, no further prosecution witness has been examined. The prosecution examined as many as eight witnesses to prove the prosecution case. The names of the prosecution witnesses are being shown hereunder in a tabular form:-

List of Prosecution Witnesses

PW-1	Subedar Babu Lal Yadav
PW-2	Pawan Kumar Yadav
PW-3	Lal Narayan Singh
PW-4	America Prasad
PW-5	Ajit Kumar Trivedi
PW-6	Jitendra Kumar Choudhary
PW-7	Pankaj Kumar Trivedi
PW-8	Dhananjay Kumar Trivedi

7. After submission of chargesheet no. 7 of 2007, cognizance under Sections 364A, 379, 337, 368, 120B/34 IPC was taken vide order dated 25.01.2007 The offences being triable by a court of session, the records were committed by learned Magistrate vide order dated 01.03.2007 to the court of sessions where charges were explained to the appellant. The appellant denied the charges and claimed to be tried. The statement of the appellant under

Section 313 Code of Criminal Procedure (in short 'CrPC') was recorded, he was given an opportunity to adduce defence evidence, however, the defence did not lead any evidence. Thereafter, the records were kept for hearing. The appellant has in his statement under Section 313 CrPC claimed innocence.

Findings of the Learned Trial Court

8. The learned trial court has after examining the evidences on the record concluded that the prosecution witnesses proved that Dhananjay Kumar Trivedi (PW-8) was abducted, there was a demand for ransom and a sum of Rs.5 lakhs was demanded from Sanjeev Kumar, the brother-in-law of the victim on his mobile phone. The learned trial court has found that although Sanjeev Kumar has not been examined in this case but the victim (PW-8) has stated in his evidence in paragraph '32' that Sanjeev Kumar died in the year 2008.

9. In ultimate analysis, the learned trial court held that the prosecution had been able to prove its case beyond all reasonable doubts. During the period of his abduction, the victim (PW-8) was kept in the house of this appellant for ten days and the appellant was keeping vigil over the victim with a pistol. The trial court convicted the appellant for the offences punishable under Sections 364A, 368 and 120B IPC. The charges under Sections

379 and 337 IPC could not be proved against the appellant, hence, he has been acquitted of those charges.

Submissions on behalf of the Appellant

10. Mr. Gautam Kejriwal, learned counsel for the appellant has taken this Court through the depositions of the prosecution witnesses. It is submitted that in this case altogether eight prosecution witnesses have been examined. Subedar Babu Lal Yadav (PW-1) has stated that the victim happened to be the friend of his son Pawan Kumar Yadav. Police had interrogated him. When the victim returned from the clutch of the abductors, he had informed that he was kept in the house of the appellant for ten days. In his cross-examination, this witness has stated that neither police asked him nor he informed the police that the victim had come to home and told him that after his abduction the criminals had kept him for ten days in the house of Budha Singh and Ajit Singh.

11. Pawan Kumar Yadav (PW-2) is the son of PW-1 who has stated that he and the victim were living in the same house. This witness had read in the newspaper about the abduction of Dhananjay Singh and demand of ransom of Rs.5 lakhs. He has also stated that Dhananjay had told about the persons who were involved in his abduction and had stated that he was abducted for

ransom. In his cross-examination, this witness has stated that he had not seen anybody taking away the victim and there was no talk in front of him regarding ransom.

12. Learned counsel submits that Lal Narayan Singh (PW-3) who is the co-brother (*Saddu*) of the informant has only stated that the informant told him that his son Dhananjay has been abducted. America Prasad (PW-4) is the Sub-Inspector of Police who was posted in Kaji Mohammadpur Police Station on 16.01.2007 and had taken the charge of the investigation of the case at advanced stage. He had submitted a charge-sheet against Nandji Singh and Punit Singh. In his cross-examination, he has stated that he had not recorded statement of any of the witnesses and he had submitted charge-sheet on the basis of the investigation conducted by the earlier Investigating Officer (in short 'I.O.'). It is submitted that the main I.O. has not been examined in course of trial which has caused serious prejudice to the defence.

13. Learned counsel submits that Ajit Kumar Trivedi (PW-5) is the informant of this case who has stated that he came to know about the abduction of his son on 29.10.2004. In paragraph '4' of his deposition, he has stated that the abductors had demanded a sum of Rs.5 Lakhs as ransom, such demand was made on the

mobile phone of his son-in-law, namely, Sanjeev Kumar but he did not remember the phone number.

14. Learned counsel submits that if the statement made in paragraph '4' of the examination-in-chief of PW-5 is considered in the light of his statements in paragraphs '21' and '31', it would appear that this witness has categorically stated in paragraph '21' that nobody had made any demand of ransom from him. In paragraph '31', he has stated that he did not remember who had made demand of ransom from whom and by which number. It is submitted that from paragraph '32' of his deposition, it would appear that his son-in-law was subjected to investigation and was kept in the police station. This witness has admitted that his son-in-law was subjected to investigation but he did not remember that for how many days, he was kept in the police station.

15. Learned counsel submits that in this case, neither the mobile phone of Sanjeev Kumar was seized by the I.O. nor the call detail report of Sanjeev Kumar was obtained. No scientific investigation was made to connect the phone number of any of the abductors with that of Sanjeev Kumar from whom the demand of ransom was allegedly made. So far as PW-5 is concerned, he has categorically stated that nobody had demanded ransom from him. It is submitted that if the demand of ransom has not been proved by

the prosecution, one of the essential ingredients of Section 364A IPC would be missing out and the appellant's conviction for the offence under Section 364A IPC would be bad in law.

16. It is submitted that Jitendra Kumar Chaudhary (PW-6) is not an eye witness to the facts and circumstances of the case. He is the brother of PW-5 and had simply accompanied him to police station for lodging of the FIR. Pankaj Kumar Trivedi (PW-7) is the cousin brother of the victim who was told to search the victim. He has stated in his cross-examination that he was not aware as to how the victim was abducted and who had abducted him. He is not a relevant witness to the occurrence.

17. Learned counsel submits that the star witness of this case is the victim himself who has been examined as PW-8. He has given the manner of occurrence. According to him, he had gone with his friend Rakesh Kumar Jha on a motorcycle. Three persons were riding the said motorcycle, one of them was the friend of Rakesh Kumar Jha. When the motorcycle was stopped near Dadar Pul at the instance of Rakesh who wanted to ease out, one white marshal car parked beside the motorcycle, 8-10 persons came outside the marshal car armed with pistol and they placed the pistol on the head of the victim, assaulted him by fist and hand blow and took him inside the vehicle where he was threatened to shot at, if

he would shout. PW-8 has stated that the abductors took him near a canal at around 06-07:00 pm in the evening when two persons came there, they took them on the motorcycle through the bank of the canal in the village where he was asked to change his clothes, he was assaulted and they asked him for the phone number. In the process of taking out the phone number from his mobile, he noticed from the mobile that the service area was Ara. PW-8 has stated that he had given the mobile number of his brother-in-law. The abductors kept him for two days and in the third night, they took him to a lonely place. This witness has stated that the abductors had tortured him and they kept him in the house of this appellant and his brother Ajit Singh for ten days. This appellant was keeping eyes over him with a pistol.

18. Learned counsel submits that from the entire deposition of PW-8, this Court would not find a single statement that the abductors at any point of time threatened him to kill if the ransom is not paid to them. PW-8 does not talk of any demand of ransom or talk of ransom in his presence by the abductors.

19. There is an alternative submission of learned counsel for the appellant that in the kind of the materials present on the record, even if the prosecution has been able to prove a case of abduction, it may at best be covered under Section 365 IPC but, in

no case, the appellant may be convicted for the offence punishable under Section 364A IPC.

20. Learned counsel has relied upon the judgment of the Hon'ble Supreme Court in the case of **William Stephen Vs. State of Tamil Nadu and Another** reported in **(2024) 5 SCC 258**. Emphasis is that there is no witness to prove that there was a demand of ransom. The first I.O. who had conducted the investigation had not collected any material on this point and he has not deposed as a prosecution witness. In such circumstance, it would not be safe to convict the appellant for the offence punishable under Section 364A IPC.

Submissions on behalf of State

21. Mr. Dilip Kumar Sinha, learned Additional Public Prosecutor for the State has opposed the appeal. It is submitted that the trial court has, after analysing the entire evidences on the record held that the guilt of the appellant has been proved beyond all reasonable doubts. So far as the evidence on the point of demand of ransom is concerned, learned Additional Public Prosecutor does not controvert the submission of learned counsel for the appellant that save and except one statement of PW-5 in paragraph '4' of his deposition that demand of ransom was made from Sanjeev Kumar who was his son-in-law on his mobile but he did not remember his

mobile number, there is no other material on the record. Admittedly, Sanjeev Kumar has not been examined and the I.O. had not seized the mobile phone of Sanjeev Kumar during investigation. The call detail report has also not been obtained.

Consideration

22. Having heard learned counsel for the appellant and learned Additional Public Prosecutor for the State as also on perusal of the trial court's records, we find that in this case, only PW-5 and PW-8 are the material witnesses.

23. So far as other witnesses are concerned, it is submitted that PW-1, PW-2 and PW-3 are not the witnesses to the facts and circumstances of the case. America Prasad (PW-4) was posted as Sub-Inspector in Kaji Mohammadpur Police Station on 16.01.2007. This witness has stated that after taking over the investigation of the case, he had perused the case diary and had submitted charge-sheet against Nandji Singh and Puneet Singh. In his cross-examination, he has stated that he had not recorded statement of any of the witnesses. PW-6 and PW-7 are also not witnesses to the facts and circumstances of the case.

24. Now coming to the evidence of PW-5, who is the informant of this case, this Court finds that he came to know about the abduction of his son on 29.10.2004, whereafter he submitted his

written information in the police station on 30.10.2004. On the basis of said written information, a formal FIR was lodged against unknown persons. After 21-22 days, he came to know that his son has escaped from the clutch of the abductors and has reached at the house of Mukhiya Mithilesh Singh, whereafter Mukhiya Mithilesh Singh inquired from him about his abduction and he disclosed that how he was abducted from Muzaffarpur and was kept at different places and lastly he was kept in the house of Buda Singh. His son disclosed the same fact to this witness. In paragraph '8' of his examination-in-chief, it has come that the abductors were asking for the mobile number whereupon Dhananjay had given the mobile number of his brother-in-law (*bahnoi*) to them and the abductors used to call on the mobile phone of his brother-in-law. This witness was informed about this news by the brother-in-law of Dhananjay. In his cross-examination, he has stated that he came to know about the occurrence for the first time through daily Hindi newspaper 'Hindustan'. He met his son after his abduction and police had not interrogated him. He has, however, stated in paragraph '19' of his cross-examination that he had made his statement in police station and in the court. In paragraph '21' of his cross-examination, he has categorically stated that nobody had demanded ransom from him. It is also important to note that in paragraph '30' of his deposition,

PW-5 has stated that Sanjeev Kumar was arrested by police on suspicion and in paragraph '31', he has stated that he did not remember that who was the person who demanded ransom from him and by which number. The defence suggested to this witness that his son was in company of criminals and had gone to jail but the witness denied this suggestion. Defence has not brought any evidence on the record to show that the son of the informant had any criminal background and had gone to jail. Again the defence suggested to this witness that his son was engaged in contract work during his studies and because of the said contract work, a false case was registered against the accused person. The witness denied the suggestion. It was lastly suggested that his son was not abducted and he had lodged the case by giving money to the police but these suggestions have also been denied. From the evidence of PW-5, it appears that he had never received any telephone call from any of the abductors demanding money in lieu of the return of his son.

25. The victim (PW-8) is the star witness of this case who has narrated the entire story of his abduction from Muzaffarpur which have been taken note of by this Court in paragraph '14' of this judgment. PW-8 has stated in paragraph '7' that he was taken to Village-Gudhwal where he was kept in the

house of Nandji Singh. Prior to that, he was kept in the house of Ajit Singh and Buda Singh who are brothers. He has stated in paragraph '5' of his deposition that in the said house apart from the two brothers, their mother, sister and younger brother were also residing and in the same house one P.K. Singh was living. He was confined in the said house for ten days and during this period, Ranjit Singh and his other companions used to come to meet and they were beating him. In his cross-examination PW-8 has stated that there is no criminal case against him and he had never gone to jail. He has stated that he did not remember the phone number of his brother-in-law. He has further stated that his brother-in-law Sanjeev Kumar died in the year 2008. This witness was suggested that there was some dispute over some transactions between his father and his brother-in-law Sanjeev Kumar and at the time of occurrence, his father had suspicion against Sanjeev Kumar. This witness has stated that he has no knowledge that his brother-in-law was taken into custody. He has stated that after his return, his first statement was made before police and then his statement was recorded by a Magistrate under Section 164 CrPC. PW-8 has reiterated that in his statement under Section 164 CrPC also he had stated that he was taken to the house of Ajit Singh and Buda Singh and was kept in the said house for ten days. From the pattern of

cross-examination of PW-8 it would appear that he was suggested by the defence that he had made wrong statement before the Judicial Magistrate and had got registered a concocted case with the help of his relative I.O. Rajesh Trivedi, these suggestions were, however, denied by the witness. He denied the suggestion that he had identified Buda Singh and Nandji Singh at the instance of other person.

26. From the evidence of PW-8, this Court finds that he has remained consistent with his narration of the facts and circumstances of the case relating to his abduction from Muzaffarpur till his escape from the clutches of the abductors. He was kept in the house of this appellant for ten days so he knew that who were the other members of the family of the appellant residing there in the house. The defence has not mustered enough courage to dispute the statement of PW-8 that in the house of this appellant apart from Ajit Singh and the appellant, their mother, sister, younger brother and one person namely Shri P. K. Singh were residing.

27. At this stage, this Court would extract Sections 364A, 365 and 368 of the Indian Penal Code as under:-

“a[364A. Kidnapping for ransom, etc.

Whoever kidnaps or abducts any person or keeps a person in detention after such kidnapping or abduction, and threatens to cause death or hurt to such person, or by his

conduct gives rise to a reasonable apprehension that such person may be put to death or hurt, or causes hurt or death to such person in order to compel the Government or ^b[any foreign State or international inter-governmental organisation or any other person to do or abstain from doing any act or to pay a ransom, shall be punishable with death, or imprisonment for life, and shall also be liable to fine.]

[a] Inserted by Criminal Law (Amendment) Act (42 of 1993), S. 2 (22-5-93).

[b] Substituted for the words “any other persons” by Indian Penal Code (Amendment) Act (24 of 1995), S. 2 (26-5-95)

365. Kidnapping or abducting with intent secretly and wrongfully to confine persons.

Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

368. Wrongfully concealing or keeping in confinement, kidnapped or abducted person.

Whoever, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose as that with or for which he conceals or detains such person in confinement.

28. On a bare reading of Section 364A IPC it would appear that one of the essential ingredients to bring home an offence under Section 364A IPC would be proof of fact that the person kidnapped or abducted must have a reasonable apprehension that he may be put to death or hurt in order to compel

him or his family to pay a ransom. In the case of **William Stephen** (*supra*), the Hon'ble Supreme Court has observed in paragraph '10' of its judgment as under:-

“10. The first ingredient of Section 364-A is that there should be a kidnapping or abduction of any person or a person should be kept in detention after such kidnapping or abduction. If the said act is coupled with a threat to cause death or hurt to such person, an offence under Section 364-A is attracted. If the first act of kidnapping or abduction of a person or keeping him in detention after such kidnapping is coupled with such conduct of the person kidnapping which gives rise to a reasonable apprehension that the kidnapped or abducted person may be put to death or hurt, still Section 364-A will be attracted. In the light of this legal position, now we refer to the evidence of the child PW 2.”

29. In this case, we find that in his examination-in-chief, PW-5 has stated that the ransom was demanded on the mobile phone of his son-in-law, namely, Sanjeev Kumar, but he did not remember the mobile number. In his cross-examination, however, he has not only stated that no demand of ransom was made from him, he has gone ahead to say that he did not remember as to who was the person who had given a call for ransom to him and by which number. During investigation, the mobile phone of Sanjeev Kumar or that of the abductors have not been seized and no forensic test has been conducted to prove the fact that any call was made by any one of the abductors on the mobile phone of Sanjeev

Kumar. It is also evident that police had suspicion upon Sanjeev Kumar and he was also subjected to interrogation after detaining him in the police station. In these circumstances, there being no evidence of the demand of ransom either from PW-5 or PW-8, we would hold and declare that the offences under Section 364A IPC would not be made out.

30. This Court finds that the prosecution has been able to prove the involvement of this appellant in abduction of PW-8 and his confinement in the house of this appellant, therefore, the offences punishable under Section 365 IPC is made out. From the evidences on the record, to this Court, it appears that the prosecution has been able to prove that the victim was abducted with active participation of the appellant under a conspiracy. PW-8 (victim) was confined at several places and for ten days, the victim was confined in the house of this appellant. Thus, the ingredients of the offences punishable under Sections 365, 368 and 120B IPC are present and have been proved beyond any shadow of doubt.

31. At the same time, this Court finds that the prosecution has not established beyond reasonable doubt that demand of ransom was made from PW-5. PW-8 has not stated about any demand of ransom by any of the abductors who were involved in the occurrence.

32. We, therefore partly set aside the judgment of conviction and order of sentence passed by the learned trial court insofar as it relates to the offence punishable under Section 364A IPC. The offences under Sections 365, 368 and 120B IPC are duly proved beyond any shadow of doubt against the appellant, therefore he is convicted for those offences. The appellant shall undergo rigorous imprisonment for seven years for each of the offences committed under Sections 365 and 368 IPC. Both the sentences shall run concurrently. No separate sentence is awarded for the offence under Section 120B IPC. Since the appellant has already served the maximum period of seven years, he would be released forthwith if not wanted in any other case.

33. Let the trial court records along with a copy of the judgment be sent to the learned trial court.

(Rajeev Ranjan Prasad, J)

(Shailendra Singh, J)

SUSHMA2/Rishi-

AFR/NAFR	
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