

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

*[Arising out of a common judgment dated 03.11.2018, passed in Sessions Case No.60 of 2017 (State of Chhattisgarh v. Aditya Mishra @ Prinsu and others) by the 3<sup>rd</sup> Additional Sessions Judge, Janjgir, District Janjgir-Champa (Chhattisgarh)]*

**Criminal Appeal No. 1840 of 2018**

Somnath Pandey @ Somu, Son of Bhupendra Nath Pandey, aged about 19 years, Resident of Village Sarkho, Police Chowki- Naila, Police Station Janjgir, District Janjgir-Champa (Chhattisgarh)

---- **Appellant**  
**(In Jail)**

**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Janjgir, District Janjgir-Champa (Chhattisgarh)

---- **Respondent**

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For Appellant : Mr. Aditya Chopra and Ms. Anjali Singh  
Chouhan, Advocates  
For Respondent : Mr. Sharad Mishra, Panel Lawyer  
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**WITH**

**Acquittal Appeal No. 509 of 2018**

Mamata Swarnakar, Widow of Late Shri Yashvant Swarnakar, aged about 38 years, Resident of Opposite Metro Talkies, Janjgir, Police Station Janjgir, District Janjgir-Champa (Chhattisgarh)

---- **Appellant**

**Versus**

1. Neelam Swarnakar @ Neelu, Widow of Late Shri Pramod Swarnakar, aged about 32 years, Resident of Village Sarakho, Police Outpost- Naila, Police Station Janjgir, District Janjgir-Champa (Chhattisgarh)
2. State of Chhattisgarh, through Police Outpost- Naila, Police Station Janjgir, District Janjgir-Champa (Chhattisgarh)

---- **Respondent**

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For Appellant : Mr. Yogesh Chaturvedi, Advocate on  
behalf of Mr. Alok Kumar Pandey, Adv.  
For Respondent No.01: Mr. Vikash Pandey, Advocate  
For Respondent No.02: Mr. Sharad Mishra, Panel Lawyer  
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**WITH**

**Criminal Appeal No. 1844 of 2018**

1. Aditya Mishra @ Prinsu, Son of Ram Kumar Mishra, aged about 20 years, Resident of Village Sarkho, Gudi-Chouk, Police Chowki- Naila, Police Station Janjgir, District Janjgir-Champa (Chhattisgarh)
2. Somnath Pandey @ Somu, Son of Bhupendra Nath Pandey, aged about 19 years, Resident of Village Sarkho, Police Chowki- Naila, Police Station Janjgir, District Janjgir-Champa (Chhattisgarh)

---- **Appellants**  
(In Jail)

**Versus**

State of Chhattisgarh, through Station House Officer, Police Chowki- Naila, Police Station Janjgir, District Janjgir-Champa (Chhattisgarh)

---- **Respondent**

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For Appellants : Mr. Rishi Rahul Soni, Advocate  
For Respondent : Mr. Sharad Mishra, Panel Lawyer  
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**WITH**

**Acquittal Appeal No. 664 of 2019**

State of Chhattisgarh, through Police Outpost- Naila, Police Station Janjgir, District Janjgir-Champa (Chhattisgarh)

---- **Appellant**

**Versus**

Neelam Swarnakar @ Neelu, Widow of Late Pramod Swarnakar, aged about 31 years, Resident of Village Sarkho, Police Outpost-Naila, Police Station Janjgir, District Janjgir-Champa (Chhattisgarh)

---- **Respondent**

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For Appellant : Mr. Sharad Mishra, Panel Lawyer  
For Respondent : Mr. Vikash Pandey, Advocate  
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**Division Bench**

**Hon'ble Shri Justice Sanjay K. Agrawal and**  
**Hon'ble Shri Justice Sanjay Kumar Jaiswal**

**Judgment on Board**  
(25.07.2024)

**Sanjay K. Agrawal, J**

**(1)** Regard being had to the similitude of the questions of fact and law involved and being arising out of a common impugned judgment dated 03.11.2018, on the joint request of learned counsel for the parties, all these 04 matters are clubbed together, heard together and are decided by this common judgment.

**(2)** CRA-1840-2018 & CRA-1844-2018 have been preferred under Section 374(2) of CrPC by accused-appellants, namely, Somnath Pandey @ Somu (A-2) and Aditya Mishra @ Prinsu (A-1) respectively, calling in question the legality, validity and correctness of their impugned judgment of conviction and order of sentence dated 03.11.2018, passed in Sessions Case No.60 of 2017 (*State of Chhattisgarh v. Aditya Mishra @ Prinsu and others*) by the 3<sup>rd</sup> Additional Sessions Judge, Janjgir, District Janjgir-Champa (Chhattisgarh), whereby both of them have been convicted for offence under Section 302 of IPC and sentenced to undergo imprisonment for life with fine of Rs.10,000/- each and, in default of payment of fine, sentenced to undergo additional rigorous imprisonment for 01 year each.

**(3)** Whereas, ACQA-509-2018 & ACQA-664-2019, have been preferred under Section 378(1) of CrPC by Mamta Swarnkar (wife of deceased- Yashvant Swarnkar) and the State of Chhattisgarh respectively challenging the same impugned judgment dated 03.11.2018, by which, the learned trial Court has acquitted

accused- Neelam Swarnakar @ Neelu **(A-3)** for offence under Section 302/109 of IPC.

**(4)** The case of the prosecution, in short, is that on 27.08.2017, at about 08:30 PM, at Village Khokhsa Nala, which comes within the ambit of Police Station Janjgir, District Janjgir-Champa (CG), the accused-appellants herein, namely, Somnath Pandey @ Somu (A-2) and Aditya Mishra @ Prinsu (A-1) alongwith another acquitted accused- Neelam Swarnakar @ Neelu (A-3) firstly shared common intention to kill one- Yashvant Swarnkar (hereinafter referred to as the “deceased”) and, in furtherance thereof, on the provocation of Neelam Swarnakar @ Neelu (A-3), Somnath Pandey @ Somu (A-2) and Aditya Mishra @ Prinsu (A-1) assaulted the deceased by means of sharp edged weapon i.e. knife on his neck and stomach, due to which, he suffered grievous injuries and died later on during the course of treatment in the hospital and, thereby, said to have committed the aforesaid offences.

**(5)** It is further case of the prosecution that prior to the death of the deceased, he gave oral dying declaration to Chandrakant Sahu (PW-03), Vivek Singh Chouhan (PW-04), Sumit Sahu (PW-05), Gopi Singh (PW-07), Akhileshwar (PW-08), Dharam Singh (PW-11), Bhupendra Rathore (PW-12) and Jairam Binjwar (PW-25) that appellants- Aditya Mishra @ Prinsu (A-1) and Somnath Pandey @ Somu (A-2) had assaulted him by means of knife. It is also the case

of the prosecution that when Vivek Singh (PW-04) and Gopi Singh (PW-07) informed the matter to the police of Police Outpost- Naila, Dehati Merg intimation (Ex.P/01) and Dehati Nalsi (Ex.P/02) were registered and wheels of investigation started running, in which, nazari naksha and spot panchnama were prepared vide Ex.P/12 and Ex.P/13 respectively. Prior to the death of the deceased, when deceased was escorted to the hospital, his MLC was conducted by Dr. P.S. Kurre (PW-19) vide Ex.P/36. After the death of the deceased, information with regard to sudden and unnatural death was sent by the hospital to the police vide Ex.P/45, upon which, merg intimation (Ex.P/45) and FIRs (Ex.P/46 & 47) were registered. Thereafter, summons under Section 164 of CrPC were sent vide Ex.P/03 and inquest proceedings were conducted vide Ex.P/33. The dead-body of the deceased was sent for postmortem examination, which was conducted by Dr. Vijay Shrivastava (Ex.P/21) and, as per PM report (Ex.P/04), it has been opined that the cause of death of the deceased is hemorrhagic shock as a result of excessive hemorrhage and nature of death is homicidal. All the accused persons were arrested vide Ex.P/49, P/51 & P/53. Memorandum statements of the appellants- Aditya Mishra @ Prinsu (A-1) and Somnath Pandey @ Somu (A-2) were recorded vide Ex.P/06 & Ex.P/07 respectively and, pursuant to which, knife, clothes (t-shirt and jeans) and motor-cycle were seized vide

Ex.P/08 to P/10 respectively. Certain other articles were also seized vide Ex.P/15 to Ex.P/17, Ex.P/30 & Ex.P/31. The aforesaid seized articles were sent for chemical examination to FSL, Raipur and, as per FSL report (Ex.P/60), it has been opined that stains of blood were found on the knife and clothes seized pursuant to the memorandum statement of appellant- Aditya Mishra @ Prinsu (A-1). After statements of witnesses were recorded and completion of investigation, the police filed charge-sheet against all three accused persons in the competent Court of criminal jurisdiction and, ultimately, the case was committed to the Court of Sessions for hearing and trial in accordance with law, in which, the appellants/accused abjured their guilt and entered into defence by stating that they are innocent and have been falsely implicated.

**(6)** The prosecution in order to prove its case examined as many as 25 witnesses and exhibited 62 documents, whereas the accused persons in support of their defence, though not examined any witness, but exhibited 03 documents.

**(7)** The learned trial Court after appreciating the oral and documentary evidence available on record, though acquitted accused- Neelam Swarnakar @ Neelu (A-3) for offence under Section 302/109 of IPC, but proceeded to convict the accused/appellants- Aditya Mishra @ Prinsu (A-1) and Somnath Pandey @ Somu (A-2) for offence under Section 302 of IPC and

sentenced them as mentioned in Para-02 of this judgment, against which these 02 criminal appeals and 02 acquittal appeals have been preferred questioning the same impugned judgment.

**(8)** Mr. Aditya Chopra, Ms. Anjali Singh Chouhan and Mr. Rishi Rahul Soni, learned counsel appearing for appellants- Aditya Mishra @ Prinsu (A-1) and Somnath Pandey @ Somu (A-2) respectively would jointly submit that the learned trial Court is absolutely unjustified in convicting the appellants for aforesaid offence, as the prosecution has failed to prove the said offence beyond reasonable doubt. They vehemently submit that the prosecution's case is solely based on the oral dying declaration given by the deceased to Chandrakant Sahu (PW-03), Vivek Singh Chouhan (PW-04), Sumit Sahu (PW-05), Gopi Singh (PW-07), Akhileshwar (PW-08), Dharam Singh (PW-11), Bhupendra Rathore (PW-12) and Jairam Binjhwar (PW-25), which is a very weak piece of evidence and cannot be relied upon to convict the accused-appellants for the offence of murder of the deceased that too in absence of any further corroboration. Hence, the appeal preferred by accused-appellants- Aditya Mishra @ Prinsu (A-1) and Somnath Pandey @ Somu (A-2) deserve to be allowed and they are liable to be acquitted for the aforesaid charge.

**(9)** *Per contra*, Mr. Sharad Mishra, learned State counsel supported the impugned judgment of conviction and order of

sentence of accused-appellants- Aditya Mishra @ Prinsu (A-1) and Somnath Pandey @ Somu (A-2) and submits that the prosecution has proved the offence beyond reasonable doubt by leading evidence of clinching nature. He further submits that in view of statements of 08 prosecution witness coupled with other evidence available on record, the conviction and sentence passed by the learned trial Court against appellants- Aditya Mishra @ Prinsu (A-1) and Somnath Pandey @ Somu (A-2) is well merited, therefore, both the appeals preferred by accused-appellants- Aditya Mishra @ Prinsu (A-1) and Somnath Pandey @ Somu (A-2) deserves to be dismissed.

**(10)** Mr. Sharad Mishra, learned State counsel while appearing in ACQA-664-2019 further submits that the learned trial Court is absolutely unjustified in acquitting accused- Neelam Swarnakar @ Neelu (A-3) for offence under Section 302/109 of IPC for the reason that her involvement in the instant crime alongwith other two convicted accused/appellants cannot be ruled out in view of evidence available on record and it is accused- Neelam Swarnakar @ Neelu (A-3), on whose provocation, the other accused/appellants have assaulted the deceased by means of knife and caused his death. As such, accused- Neelam Swarnakar @ Neelu (A-3) is also liable to be convicted with same decree to that of accused/appellants- Aditya Mishra @ Prinsu (A-1) and Somnath

Pandey @ Somu (A-2) and, therefore, ACQA-664-2019 deserves to be allowed.

**(11)** Mr. Yogesh Chaturvedi, learned counsel appearing in ACQA-509-2018 on behalf of Mamata Swarnakar (wife of the deceased) would also support and borrow the arguments raised by learned State counsel and submits that the learned trial Court is absolutely unjustified in acquitting accused- Neelam Swarnakar @ Neelu (A-3) for the offence under Section 302/109 of IPC and, therefore, ACQA-509-2018 deserves to be allowed.

**(12)** Mr. Vikash Pandey, learned counsel appearing on behalf of acquitted accused- Neelam Swarnakar @ Neelu (A-3) would support the impugned judgment passed by the learned trial Court and submits that there is no evidence available on record to connect accused- Neelam Swarnakar @ Neelu (A-3) with the offence in question. She has no role to play in the instant crime and, therefore, the learned trial Court has rightly acquitted her for the offence under Section 302/109 of IPC. As such, both the acquittal appeals i.e. ACQA-664-2019 & ACQA-509-2018 filed against the acquittal of accused- Neelam Swarnakar @ Neelu (A-3) are liable to be dismissed being merit less.

**(13)** We have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the record with utmost circumspection.

**(14)** The first and foremost question is as to whether the death of the deceased was homicidal in nature, which the learned trial Court has recorded in affirmative by mainly taking into consideration the postmortem report (Ex.P/04), wherein it has been opined that the cause of death of the deceased is hemorrhagic shock as a result of excessive hemorrhage and nature of death is homicidal, which is duly proved by Dr. Vijay Shrivastava (PW-21). Accordingly, taking into consideration the postmortem report (Ex.P/04) and the statement of Dr. Vijay Shrivastava (PW-21), we are of the considered opinion that the death of the deceased is homicidal in nature, as the same is correct finding of fact based on evidence and same is neither perverse nor contrary to the record. We hereby affirm the said finding.

**(15)** Now, the next question would be whether the accused persons, mainly, appellants- Aditya Mishra @ Prinsu (A-1) and Somnath Pandey @ Somu (A-2) are authors of the crime or not, for which, the learned trial Court has relied upon the testimonies of Chandrakant Sahu (PW-03), Vivek Singh Chouhan (PW-04), Sumit Sahu (PW-05), Gopi Singh (PW-07), Akhileshwar (PW-08), Dharam Singh (PW-11), Bhupendra Rathore (PW-12) and Jairam Binjhar (PW-25), to whom the deceased is said to have given oral dying declaration.

**(16)** The law regarding oral dying declaration is well settled. In the

matter of **Darshana Devi v. State of Punjab**<sup>1</sup>, with regard to oral dying declaration, their Lordships of the Supreme Court have held that an oral dying declaration can form basis of evidence in a given case, but such a dying declaration has to be trustworthy and free from every blemish and inspire confidence.

(17) Similarly, in the matter of **Arun Bhanudas Pawar v. State of Maharashtra**<sup>2</sup>, it has been held by their Lordships of the Supreme Court that the oral dying declaration made by the deceased ought to be treated with care and caution since the maker of the statement cannot be subjected to any cross-examination.

(18) Furthermore, the Supreme Court, in the matter of **Walkhom Yaima Singh v. State of Manipur**<sup>3</sup>, has held that there can be no dispute that the dying declaration can be the sole basis for conviction, however, such dying declaration has to be proved to be wholly reliable, voluntary and truthful and further that the maker thereof must be in a fit medical condition to make it. It has also been held that oral dying declaration is a weak kind of evidence.

(19) The principle emerging out from the aforesaid decisions rendered by their Lordships of the Supreme Court is that oral dying declaration is a weak kind of evidence and it can only be made the basis of conviction, if it inspires full confidence of the Court and if

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1 1995 Supp (4) SCC 126

2 (2008) 11 SCC 232

3 (2011) 13 SCC 125

the Court is satisfied that the maker of the said oral dying declaration was in a fit state of mind at the time of making it and that it was not an outcome of tutoring, prompting or imagination, and where the dying declaration is suspicious and there is no other corroborative piece of evidence on record, it would be unsafe for the Court to record conviction on the solitary evidence of such oral dying declaration.

**(20)** Now, in light of the above-stated principles, we will consider the testimonies of aforesaid 08 witnesses to whom the deceased is said to have given oral dying declaration, one by one.

**(a)** Chandrakant Sahu (PW-03): the first witness that has been relied upon by the learned trial Court is Chandrakant Sahu (PW-03), however, a careful perusal of his statement would show that the deceased has not given any oral dying declaration to him, indeed, he has only stated that when he alongwith Akhilesh Saraf reached to the spot, the deceased informed him that Aditya Mishra (A-1) and Somnath Pandey (A-2) have brought him to the place of occurrence by cheating. As such, there is no statement regarding deceased giving oral dying declaration to Chandrakant Sahu (PW-03), therefore, the testimony of Chandrakant Sahu (PW-03) is of no help to the prosecution and cannot be relied upon to convict the accused/appellants herein.

**(b)** Vivek Singh Chouhan (PW-04): this witness states that he

reached to the spot at about 08:15 PM and, on being asked by the deceased, he informed him that son of Ramkumar Mishra- Prince and son of Bhupendra have assaulted him. Vivek Singh Chouhan (PW-04) has not stated or spelled out the complete names or other particulars i.e. address, age etc. of the accused/appellants- Aditya Mishra (A-1) and Somnath Pandey (A-2) in order to ascertain that they are the same persons who have been named by the deceased. Further, it is also not clear from the record that there is only one Bhupendranath Pandey in Village Sarkho and Somnath Pandey (A-2) is the only son of Bhupendranath Pandey and, further, there is only one Prince whose actual name of Aditya Mishra (A-1). As such, in light of the decision of the Supreme Court in the matter of **Gopal Singh another v. The State of Madhya Pradesh and another**<sup>4</sup>, in absence of complete name and address of the assailants, it would be unsafe to rely upon the aforesaid testimony of Vivek Singh Chouhan (PW-04), to whom also the deceased is said to have given oral dying declaration. Furthermore, Vivek Singh Chouhan (PW-04), in his statement recorded under Section 164 of CrPC on 31.08.2017 vide Ex.P/14, has only stated that he has been informed by the deceased that the sons of Bhupendra and Ramkumar have assaulted him and, as such, it cannot be presumed that the accused/appellants are the only sons of said Bhupendra and Ramkumar. Therefore, it would be absolutely risky

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4 AIR 1972 SC 1557

to rely upon the statement of Vivek Singh Chouhan (PW-04) in order to hold the accused/appellants- Aditya Mishra (A-1) and Somnath Pandey (A-2) guilty of the instant crime.

**(c)** Sumit Sahu (PW-05): as per Para-02 of the statement of this witness, it is clear that Sumit Sahu (PW-05) was also present on the spot and, when police personnel asked from the deceased, he informed that accused-appellant- Aditya Mishra (A-1) and Bhupendra's son have assaulted him. As such, the said statement of Sumit Singh (PW-05) is not reliable for lack of complete name and other particulars i.e. address etc. of the assailant and, therefore, the same is of no use to the prosecution.

**(d)** Gopi Singh (PW-07): the testimony of this witness also suffers from same infirmity, as he has stated before the Court that the deceased has informed him that son of Ramkuarm Mishra i.e. Aditya and son of Bhupendra have assaulted him by means of knife, but the complete name and address of the assailants are missing. Furthermore, the incident took place on 27.08.2017, but Gopi Singh (PW-07) did not report the matter to the police. Therefore, in absence of full name and other particulars of the assailants and conduct of Gopin singh (Pw-07) in not reporting the matter to the police, it would be totally unsafe to rely upon the testimony of said witness in order to hold the accused/appellants guilty of the offence in question.

(e) Akhileshwar (PW-08): the statement of this witness is also not reliable because he has stated before the Court that when he reached to the spot, police personnel were also present and they were trying to escort the deceased to the hospital and, on being asked by the deceased, he informed him that Aditya Mishra and son of Bhupendra Maharaj have assaulted him on the provocation of accused- Neelam. As such, the testimony of this witness is also of no use to the prosecution for the reason that the deceased informed him about the incident in presence of police that too with incomplete details of the assailants, therefore, it would be risky to rely upon the said dying declaration.

(f) Dharam Singh (PW-11): as per the statement of this witness, the deceased has firstly informed him that he belongs to Village Sarkho and secondly that son of Ramkumar, whose caste is Mishra has assaulted him. As such, in light of the decision of **Gopal Singh** (supra), in absence of full name and address of the assailant, it would be unsafe to rely on the said statement of Dharam Singh (PW-11).

(g) Bhupendra Rathore (PW-12): this witness states that the deceased has informed him that son of Bhupendra and son of Ramkumar Mishra- Aditya Mishra have assaulted him by means of knife, but at that point of time crowd of villagers have assembled there and police has also reached, therefore, the authenticity and

credibility of truthfulness of the statement of this witness cannot be ruled out. As such, in absence of any further corroboration, it would be again unsafe to rely upon the said statement of Bhupendra Rathore (PW-12).

**(h)** Jairam Binjhar (PW-25): the last witness that has been relied upon by the learned trial Court is Jairam Binjhar (PW-25), who is police constable and has affected seizure memo (Ex.P/48). The deceased is also said to have give oral dying declaration to this witness by stating that Aditya Mishra (A-1) and son of Bhupendra have assaulted him. Since, the full names alongwith other particulars of the assailants are missing, in absence of further corroboration, it would be risky to accept the statement of this witness in order to hold the appellants guilty of the instant crime.

**(21)** Reverting to the facts of the present case, though oral dying declaration is allegedly said to have been made, but in our considered opinion, in view of above analysis, it is not established beyond doubt that the deceased has in fact given any oral dying declaration to Chandrakant Sahu (PW-03), Vivek singh Chouhan (PW-04), Sumit Sahu (PW-05), Gopi Singh (PW-07), Akhileshwar (PW-08), Dharam Singh (PW-11), Bhupendra Rathore (PW-12) and Jairam Binjhar (PW-25) that he was assaulted by the appellants- Aditya Mishra (A-1) and Somnath (A-2) on the provocation of acquitted accused- Neelam (A-3), by which he suffered injuries and

died. Furthermore, as per the statement of Dr. P.S. Kurre (PW-19), who has conducted MLC of the deceased prior to his death and gave MLC report (Ex.P/36), injury was found on the neck of the deceased and, because of which, he was not able to speak. The aforesaid fact of deceased not in a condition to speak has also been reiterated by Mohnish Chouhan (PW-13). Therefore, it is held that the deceased was unable to make oral dying declaration (See: **Mohar Singh v. State of Rajasthan**<sup>5</sup>). Moreover, prior to the death of the deceased on 27.08.2017, he remained hospitalized from 08:30 PM to 09:30 PM, but no dying declaration was recorded by any competent officer i.e. Executive Magistrate though he was seriously injured. Furthermore, though pursuant to the memorandum statement of the appellant- Aditya (A-1) knife and clothes (t-shirt and jeans) were seized, in which, as per FSL report (Ex.P/60) stains of blood were found, but same is also of no help to the prosecution in light of the decision of **Balwan Singh v. State of Chhattisgarh**<sup>6</sup>. Consequently, conviction can be made on the basis of oral dying declaration in the light of the decisions of the Supreme Court, but since it is neither trustworthy nor making of oral dying declaration has not been proved in accordance with law by the prosecution, it would be unsafe to convict the appellants for the offence under Section 302 of IPC and the trial Court has

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<sup>5</sup> (1998) 9 SCC 654

<sup>6</sup> 2019 (7) SCC 781

committed grave illegality in doing so. We hereby hold accordingly.

**(22)** Accordingly, the conviction and sentence of appellants- Aditya Mishra @ Prinsu (A-1) and Somnath Pandey @ Somu (A-2) for offence under Section 302 of IPC is hereby set aside. They are acquitted of the said charge on the basis of benefit of doubt and since they are reported to be in jail, we direct that they be released from jail forthwith, if not required in any other offence/crime.

**(23)** In view of above discussion, where there is no evidence available to connect accused- Neelam Swarnakar @ Neelu (A-3) with the offence in question, we are of the considered opinion that the learned trial Court is absolutely justified in acquitting her for offence under Section 302/109 of IPC. Therefore, we see no good ground to entertain ACQA-509-2018 & ACQA-664-2019. We hereby hold accordingly.

**(24)** Consequently, CRA-1840-2018 & CRA-1844-2018 are **allowed**, whereas ACQA-509-2018 & ACQA-664-2019 are hereby **dismissed**.

**(25)** Let a certified copy of this order alongwith the original record be transmitted to the trial Court as well as to the Superintendent of Jail where the appellants are languishing for necessary information and needful action, if any.

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Sd/-  
**(Sanjay K. Agrawal)**  
Judge

Sd/-  
**(Sanjay Kumar Jaiswal)**  
Judge